

# Edict of Government

“Under what has been dubbed the government edicts doctrine, officials empowered to speak with the force of law cannot be the authors of—and therefore cannot copyright—the works they create in the course of their official duties.”

Chief Justice Roberts

Georgia, et. al., Petitioners v. Public.Resource.Org, Inc.

590 U.S. \_\_\_, 140 S. Ct. 1498, 206 L. Ed. 2d 732



## OHIO JURY INSTRUCTIONS

*Criminal*

December 2021 Update

Ohio Judicial Conference



## PUBLICATION UPDATE

Route to:

<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____
<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____

# Ohio Jury Instructions— Criminal

Publication 4346

Release 21S3CRI

December 2021

### HIGHLIGHTS

**This release includes revisions to the following:**

- Chapter CR 409—Evidence and Credibility
- Chapter CR 513—Theft and Fraud
- Chapter CR 521—Offenses Against Justice and Public Administration
- Chapter CR 523—Conspiracy, Attempt, and Complicity; Weapons Control

**Chapter CR 409** adds one new instruction on interrogation of defendant.

**Chapter CR 513** adds one new instruction on misuse of credit cards.

**Chapter CR 521** replaces one instruction on obstructing justice with a revised instruction on obstructing justice, where the person aided by the defendant was an adult and adds one new instruction on obstructing justice, where the person aided by the defendant was a minor; revises one instruction on assaulting a police dog or police horse; and adds one new instruction on harassing a police dog or police horse, one new instruction on assaulting an assistance dog, one new instruction on harassing an assistance dog, and one new instruction on resisting arrest.

**Chapter CR 523** includes one revised instruction on carrying concealed weapons.



Matthew Bender provides continuing customer support for all its products:

- Editorial assistance—please consult the “Questions About This Publication” directory printed on the copyright page;
- Customer Service—missing pages, shipments, billing or other customer

service matters, +1.800.833.9844.

- Outside the United States and Canada, +1.937.247.0293, or fax (+1.800.828.8341) or email ([international@bender.com](mailto:international@bender.com));
- Toll-free ordering (+1.800.223.1940) or visit [www.lexisnexis.com/BrowseUs](http://www.lexisnexis.com/BrowseUs).



---

---

Copyright © 2021 Matthew Bender & Company, Inc., a member of the LexisNexis Group.  
Publication 4346, Release 21S3CRI, December 2021

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.



## FILING INSTRUCTIONS

# Ohio Jury Instructions— Criminal

Publication 4346      Release 21S3CRI      December 2021

Check  
As  
Done

- ☐ 1. Check the Publication Update and the Filing Instructions in the front of your present Volume Criminal Instructions—General—Special Topics. Both should be labeled Release 21S2CRI and dated September 2021. If the set is current, proceed with the filing of this release. If your set is not filed through Release Number 21S2CRI, DO NOT file this release. Please call Customer Services at 1-800-833-9844 for assistance in bringing your set up to date.
- ☐ 2. This Release Number 21S3CRI contains only White Revision pages.
- ☐ 3. Circulate the "Publication Update" among those individuals interested in the contents of this release.



Check  
As  
Done

Remove Old  
Pages Numbered

Insert New  
Pages Numbered

For faster and easier filing, all references are to right-hand pages only.

## VOLUME Criminal Instructions—General—Special Topics

### Revision

<input type="checkbox"/>	Title page thru lvii . . . . .	Title page thru lvii
<input type="checkbox"/>	71 thru 72.1 . . . . .	71
<input type="checkbox"/>	74.5 . . . . .	74.5
<input type="checkbox"/>	465 thru 466.1 . . . . .	465 thru 466.1
<input type="checkbox"/>	516.21 . . . . .	516.21 thru 516.31
<input type="checkbox"/>	I-1 thru I-35 . . . . .	I-1 thru I-35

## VOLUME Criminal Instructions—General—Special Topics (cont.)

### Revision

<input type="checkbox"/>	Guide-1 thru Guide-7 . . . . .	Guide-1 thru Guide-7
<input type="checkbox"/>	Title page thru li . . . . .	Title page thru li
<input type="checkbox"/>	55 . . . . .	55 thru 56.1
<input type="checkbox"/>	76.15 thru 109 . . . . .	77 thru 101
<input type="checkbox"/>	143 thru 144.1 . . . . .	143 thru 144.1
<input type="checkbox"/>	163 thru 171 . . . . .	163 thru 171
<input type="checkbox"/>	I-1 thru I-35 . . . . .	I-1 thru I-35



FILE IN THE FRONT OF THE FIRST VOLUME  
OF YOUR SET

To order missing pages log on to our self service center, [www.lexisnexis.com/printcdsc](http://www.lexisnexis.com/printcdsc) or call Customer Services at 1 (800) 833-9844 and have the following information ready:

- (1) the publication title;
- (2) specific volume, chapter and page numbers; and
- (3) your name, phone number, and Matthew Bender account number.

Please recycle removed pages.

MISSING FILING INSTRUCTIONS?  
FIND THEM AT [www.lexisnexis.com/printcdsc](http://www.lexisnexis.com/printcdsc)

Use the search tool provided to find and download missing filing instructions, or sign on to the Print & CD Service Center to order missing pages or replacement materials. Visit us soon to see what else the Print & CD Service Center can do for you!



---

---

Copyright © 2021 Matthew Bender & Company, Inc., a member of the LexisNexis Group.  
Publication 4346, Release 21S3CRI, December 2021

LexisNexis, the knowledge burst logo, and Michie are trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.



To order missing pages log on to our web service center, [www.lexisnexis.com](http://www.lexisnexis.com), or call  
Customer Services at 1 (800) 526-5844 and have the following information ready:

- (1) the publication title
- (2) specific volume, chapter and page number
- (3) your name, phone number, and e-mail address

Example:

1. Title and Date

Please refer to the following pages:

2. Volume

3. Page

4. Chapter

5. Page

6. Page

FIND THEM AT [www.lexisnexis.com](http://www.lexisnexis.com)  
MISSING FILING INSTRUCTIONS

The search tool provided to find and download missing filing instructions  
is found on the Lexis & Nexis website. Visit the website at [www.lexisnexis.com](http://www.lexisnexis.com)  
to find the missing filing instructions. Visit the website at [www.lexisnexis.com](http://www.lexisnexis.com)  
to find the missing filing instructions.

Example:

Example:

1. Title and Date

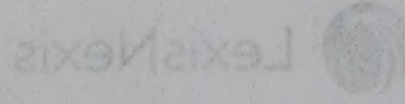
2. Volume

3. Page

4. Chapter

5. Page

6. Page



[www.lexisnexis.com](http://www.lexisnexis.com)

Copyright © 2001 Matthew Bender & Company, Inc., a member of the LexisNexis Group.  
Published 1995, Revised 2001, December 2001.  
LexisNexis, the LexisNexis logo, and related marks are trademarks of LexisNexis Group.  
The LexisNexis logo is a registered trademark of LexisNexis Group.



# OHIO JURY INSTRUCTIONS

## OHIO JURY INSTRUCTIONS

*A collection of STANDARD JURY  
INSTRUCTIONS in civil and criminal  
cases prepared by the Jury Instructions  
Committee of the Ohio Judicial  
Conference.*

CRIMINAL INSTRUCTIONS  
GENERAL  
SPECIAL TOPICS

This publication is designed to provide authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

Lexipol, Inc. and the Knowledge Base logo are registered trademarks of Lexipol, Inc. Matthew Bender and the Matthew Bender Design are registered trademarks of Matthew Bender Properties, Inc.

Matthew Bender

Kristin S. Smith

Matthew Bender Properties, Inc.

Matthew Bender



## QUESTIONS ABOUT THIS PUBLICATION?

For questions about the **Editorial Content** appearing in these volumes or reprint permission, please call:

Paul R. Johnson, J.D. at ..... 716-487-2192

Email: ..... paul.r.johnson@lexisnexis.com

James V. Codella, J.D. at ..... 609-246-1109

Email: ..... james.v.codella@lexisnexis.com

Outside the United States and Canada, please call ..... (973) 820-2000

For assistance with replacement pages, shipments, billing or other customer service matters, please call:

Customer Services Department at ..... (800) 833-9844

Outside the United States and Canada, please call ..... (518) 487-3385

Fax Number ..... (800) 828-8341

Customer Service Website ..... <http://www.lexisnexis.com/custserv/>

For information on other Matthew Bender publications, please call

Your account manager or ..... (800) 223-1940

Outside the United States and Canada, please call ..... (937) 247-0293

ISBN: 978-1-59345-588-0 (3-volume set)

ISBN: 978-1-59345-590-3 (2-volume set; volumes 2-3)

Copyright (c) 2021 The Ohio Judicial Conference. All Rights Reserved.

### Library of Congress Cataloging-in-Publication Data

Ohio jury instructions : a collection of standard jury instructions in civil and criminal cases / prepared by the Jury Instructions Committee of the Ohio Judicial Conference.

p. cm.

Includes index.

ISBN 978-1-59345-590-3 (looseleaf binders) 1. Instructions to juries—Ohio—Forms. 2. Instructions to juries—Ohio. I.

Ohio Judicial Conference. Jury Instructions Committee.

KFO542.6.A65 O3722


347.771'0758—dc22

2008044665

This publication is designed to provide authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

LexisNexis and the Knowledge Burst logo are registered trademarks of RELX Inc. Matthew Bender and the Matthew Bender Flame Design are registered trademarks of Matthew Bender Properties Inc.

Editorial Office  
230 Park Ave., 7th Floor, New York, NY 10169 (800) 543-6862  
[www.lexisnexis.com](http://www.lexisnexis.com)

MATTHEW  BENDER



# **OHIO JURY INSTRUCTIONS COMMITTEE**

## ***of the***

# **OHIO JUDICIAL CONFERENCE**

---

### ***Editorial Board***

Hon. Patrick Carroll, Co-Chair

Hon. Charles A. Schneider

Hon. Mary Jane Trapp, Co-Chair

Hon. Brendan Sheehan

Hon. John F. Bender

Hon. Mag. Myron A. Thompson, IV

Hon. Candace Crouse

Gregory M. Travaglio

Hon. Mary E. Donovan

Hon. Stephen Wolaver

Hon. John A. Enlow

Hon. Lee Sinclair, Special Projects Editorial  
Consultant

Hon. David Gormley

Elizabeth I. Cooke, Editorial Consultant

Hon. Tammie Hursh

Shawn K. Judge, Editorial Consultant

Hon. H.F. Inderlied, Jr.

Hon. Jeffrey L. Reed

### ***Editorial Assistants***

Jennifer Hansen

Kristin Schultz

### ***Judicial Services Coordinator***

Shawn Welch



UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA  
IN RE: [Illegible]  
[Illegible]

[Illegible text block containing multiple lines of text, likely a legal opinion or decision. The text is too blurry to transcribe accurately.]



# ***PREFACE TO OHIO JURY INSTRUCTIONS***

---

This preface introduces a new revised edition of the Ohio Jury Instructions (OJI) reorganized into self-contained civil and criminal volumes. The former Volume 1 “General Instructions” has been eliminated. Applicable general instructions are included in the civil and criminal volumes. There is one civil volume, now organized by general subject matter areas, and one criminal volume; however, there are three binders. The criminal volume is contained in two binders with a separate tab for “Traffic” offenses.

The purpose of the reorganization is to simplify use of OJI by judges and practitioners. Users will no longer have to switch back and forth between the current Volume 1 “General Instructions” and the substantive instructions contained in the remaining volumes. Also, the numbering of all instructions has been revised and simplified. Instructions will now be identified as “CV” (Civil) and “CR” (Criminal). For example, current 4 OJI 503.01, dealing with Aggravated Murder, becomes CR 503.01. A “Correlation Table” is included in each volume containing previous and new section numbers. Both volumes have newly designed, slightly larger loose-leaf binders. The format of individual instructions has not changed.

## **COMMENT**

These first two paragraphs summarize the current reorganization. The balance of the preface provides historical perspective.

Ohio Jury Instructions, commonly called “OJI”, was originally the project of Judges Robert L. McBride and Eugene R. McNeill. Its purpose was to present, in the same place in a single set of books, the instructions prepared by judges along with specific examples of such instructions, as well as others that were given in actual cases. The project was a joint effort of the Ohio Judicial Conference and the Ohio Common Pleas Judges Association. It was believed that the Bench and the Bar of Ohio should have the benefit, as well as the economy and convenience, of having all jury instruction material in one place in a single set of books. The jury instruction committee was composed exclusively of judges. In the event that the Committee was unable to develop a “standard” instruction, instructions were provided from individual cases. In theory, this method of combined presentation permitted the Committee to take the time required to develop its “standard” material through provisional drafts and experimental use prior to publication. The consensus among OJI Committee members was that the work of an individual judge would always be helpful until such time as “standard” instructions were developed.

Then, as now, the copyright was owned by the Ohio Judicial Conference, thereby providing for the permanent supervision by the judiciary of the development and publication of the OJI jury instructions.

It was the hope of all parties involved in 1958 that the Ohio Jury Instructions (OJI) would be helpful to the Bench and to the Bar and that the usefulness of the work would improve over the years with the continued cooperation of those interested in the instructional administration of the judicial system in the State of Ohio.



---

# **PREFACE TO OHIO JURY INSTRUCTIONS**

## **COMMENT**

Drawn from "THE NEW OJI" by Robert L. McBride, Chairman, and Eugene R. McNeill, Vice Chairman.

In 1960, a "*Standard Civil Outline—Negligence*" was released. A companion criminal outline followed in 1962. The responsibility for publication of the instructions was assigned to the Ohio Judicial Conference to relieve the Ohio Common Pleas Judges Association of the printing, sale and distribution of the material.

A standard or pattern jury instruction is a brief, accurate, and complete statement in simple and understandable language covering a single situation, purpose, or point of law. Interest and comprehension by the jury are the first considerations. Technical expressions of decision, partisan language, and references to evidence are eliminated. Exceptional situations are set out separately for use when required by special facts. The Committee recognizes the necessity for direct and simple English. "A court in considering the propriety of any jury instruction must always bear in mind that the purpose of the jury instruction is to clarify the issues and the jury's position in the case. It must be remembered that juries are composed of ordinary people on the street, not trained grammarians, and that fine distinctions in the meaning of words or phrases are not ordinarily recognized by the average layperson. Thus, in considering the propriety of any instruction, the meaning of the words used in the instruction must be thought of in their common meaning to the layperson and not what such words mean to the grammarian or to the trained legal mind." *Bahm v. Pittsburgh & Lake Erie RR. Co.* (1966), 6 Ohio St.2d 192.

## **COMMENT**

Drawn from *Preface to Volume I—1968*.

Three types of instruction appeared in OJI: (1) the "standard" or "pattern" instruction, though not necessarily titled as such; (2) the "approved" instruction, which is an instruction found in a particular case, and (3) the "new" instruction, which is a pattern instruction recommended by the Committee, but which has not yet withstood the test of time. OJI no longer uses these titles.

## **COMMENT**

Drawn from *Preface to Volume I—1983*.

In January 1987, the Ohio Jury Instructions Committee reorganized itself and adopted a plan for the revision of the civil instructions. Under the reorganization, the Committee consisted of an editorial board composed of trial and appellate judges with final approval of all material to be published in OJI, and the writing committees appointed ad hoc to draft new material and revisions. The Board also employed a law professor as an editorial consultant, whose task was to review all drafts, to evaluate their accuracy and scope, and to assure conformity with the Committee's Style Manual. The writing committees were composed of experienced and knowledgeable persons from the judicial, practicing, and academic branches of the profession, under the supervision of a member of the Editorial Board.

It was during this phase in the development of OJI that the use of Comments was broadened to advise OJI users of many matters deemed to be of major significance. During this phase, the



---

## ***PREFACE TO OHIO JURY INSTRUCTIONS***

Committee designated as “PROVISIONAL” those instructions published to be of assistance to the Bench and Bar of Ohio, but (of necessity) without specific judicial approval. OJI no longer designates instructions as “PROVISIONAL.” During this general time period, a software version of OJI became available for various personal computers.

### **COMMENT**

Drawn from “*Preface to Ohio Jury Instructions—1993.*”

In the words of former Chair Robert B. Ford, “ever shorter, ever plainer, ever fairer, this is the mission of OJI.” Although it is easy to state the goal, it is difficult to attain it. In Ohio, pattern jury instructions are not “pre-approved” by appellate courts. Therefore, it is sometimes difficult to use “plain English” because the Committee is required to use statutory and case law language in drafting instructions. The law is also evolving, and the ever-increasing number of statutes and cases constantly increases the volume of the Committee’s work.

The Committee has divided into Civil and Criminal Subcommittees and developed an informal protocol in order to meet the need for more and more instructions. The Ohio State Bar Association and its jury instructions committee have joined with the Ohio Judicial Conference in the ongoing effort to enhance this product. The combined effort has already generated numerous quality instructions, both civil and criminal. Multiple drafting committees using the talents of both Bench and Bar are now in place to draft and modify instructions. Other such drafting committees will be formed as needed.

Enhanced technology has also found its way into OJI. Most, if not all, of the OJI Committee’s members have laptop computers to aid their efforts. Use of projection and internet technology at subcommittee meetings has greatly enhanced the editing process. At present, OJI is published in print and CD versions by LexisNexis and on-line versions by LexisNexis, Westlaw, and Casemaker, thereby maximizing user access.

And so it goes . . . evolving, hopefully improving . . .







# Volume 2 Table of Contents

A COMPLETE SYNOPSIS FOR EACH CHAPTER APPEARS AT  
THE BEGINNING OF THE CHAPTER

## **TITLE 1                    LAW OF THE INSTRUCTIONS**

### **Chapter CR 101        LAW OF THE INSTRUCTIONS**

---

#### INSTRUCTIONAL ADMINISTRATION OF JUSTICE

CR 101.01	Instructions defined <i>[Rev. 12-1-07]</i>
CR 101.03	Instruction at every step of the trial <i>[Rev. 12-1-07]</i>
CR 101.05	The role of the judge <i>[Rev. 12-1-07]</i>
CR 101.07	Time of delivery <i>[Rev. 12-1-07]</i>
CR 101.09	Effective delivery <i>[Rev. 12-1-07]</i>
CR 101.11	Tests for effectiveness <i>[Rev. 12-1-07]</i>
CR 101.13	Record required <i>[Rev. 12-1-07]</i>
CR 101.15	An appeal on instructions <i>[Rev. 12-1-07]</i>
CR 101.17	Error and prejudice <i>[Rev. 12-1-07]</i>
CR 101.19	Standard instructions <i>[Rev. 12-1-07]</i>

#### SELECTING THE JURY

CR 101.21	Selecting the jury <i>[Rev. 12-1-07]</i>
CR 101.23	Common voir dire instructions <i>[Rev. 12-1-07]</i>

#### PRELIMINARY INSTRUCTIONS

CR 101.25	Instructions before trial <i>[Rev. 12-1-07]</i>
CR 101.27	Preliminary trial instructions <i>[Rev. 12-1-07]</i>
CR 101.29	A word of caution <i>[Rev. 12-1-07]</i>

#### INSTRUCTIONS DURING TRIAL

CR 101.31	Instructions during trial <i>[Rev. 12-1-07]</i>
CR 101.33	Evidential instructions <i>[Rev. 12-1-07]</i>

#### REQUESTS FOR FINAL INSTRUCTIONS

CR 101.35	Requests for final instructions <i>[Rev. 12-1-07]</i>
-----------	---

#### INTERROGATORIES TO THE JURY

CR 101.37	Special verdicts; advisory jury <i>[Rev. 12-1-07]</i>
CR 101.39	Interrogatories to the jury <i>[Rev. 12-1-07]</i>
CR 101.41	Narrative response interrogatories <i>[Rev. 12-1-07]</i>
CR 101.43	Accepting answers to interrogatories <i>[Rev. 12-1-07]</i>

#### GENERAL INSTRUCTIONS

CR 101.45	The rules <i>[Rev. 12-1-07]</i>
-----------	---------------------------------



---

## Volume 2 Table of Contents

CR 101.47	Definition and function of general instructions [Rev. 12-1-07]
CR 101.49	Undisputed issues [Rev. 12-1-07]
CR 101.51	Undisputed facts [Rev. 12-1-07]
CR 101.53	Disputed issues [Rev. 12-1-07]
CR 101.55	Specific law [Rev. 12-1-07]
CR 101.57	Cautionary and advisory instructions [Rev. 12-1-07]
CR 101.59	Verdicts and concluding instructions [Rev. 12-1-07]
CR 101.61	Written instructions [Rev. 8/6/14]
CR 101.63	Objections and requests after general instruction [Rev. 12-1-07]

### GUIDES FOR GENERAL INSTRUCTIONS

CR 101.65	Define legal terms and expressions [Rev. 12-1-07]
CR 101.67	Logical and consistent development [Rev. 12-1-07]
CR 101.69	Complete, accurate and pertinent [Rev. 12-1-07]
CR 101.71	Ordinary, understandable language [Rev. 12-1-07]
CR 101.73	Brevity and repetition [Rev. 12-1-07]
CR 101.75	Tailor to individual case; special requests [Rev. 12-1-07]
CR 101.77	Objective, fair and impartial [Rev. 12-1-07]
CR 101.79	Deliver effectively [Rev. 12-1-07]
CR 101.81	Language and style [Rev. 12-1-07]

### INSTRUCTIONS DURING DELIBERATIONS

CR 101.83	During deliberations [Rev. 12-1-07]
-----------	-------------------------------------

### VERDICT AND DISCHARGE INSTRUCTIONS

CR 101.85	Accepting the verdict [Rev. 12-1-07]
CR 101.87	Discharge Instructions [Rev. 12-1-07]

## **TITLE 2                    BASIC CRIMINAL OUTLINE AND SAMPLE INSTRUCTIONS**

---

### **Chapter CR 201        BASIC CRIMINAL OUTLINE AND SAMPLE INSTRUCTIONS**

---

CR 201.01	Trial outline/checklist for felony cases [Rev. 9-11-10]
-----------	---

---

### **Chapter CR 203        SELECTING THE JURY: SAMPLE INSTRUCTIONS**

---

CR 203.01	Welcoming remarks [Rev. 10-23-10]
CR 203.03	Voir dire questions: sample instruction [Rev. 10-23-10]

---

### **Chapter CR 205        PRELIMINARY INSTRUCTIONS: SAMPLE INSTRUCTIONS**

---

CR 205.01	Preliminary instructions: sample instruction [Rev. 6/7/14]
CR 205.03	Admonitions to the jury: sample instruction [Rev. 8-15-12]
CR 205.05	Recess instructions: sample instruction [Rev. 10-23-10]



## *Volume 2 Table of Contents*

---

### **Chapter CR 207      FINAL INSTRUCTIONS: SAMPLE INSTRUCTIONS**

---

CR 207.01	Introduction: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.03	Evidence and inference: sample instruction <i>[Rev. 8-17-11]</i>
CR 207.05	Credibility: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.07	Exhibits: sample instruction <i>[Rev. 8/10/16]</i>
CR 207.09	Prior convictions: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.11	Burden of proof: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.13	Reasonable doubt: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.15	Defendant does (not) testify: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.17	Domestic violence: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.19	Affirmative defense: sample instruction <i>[Rev. 4-13-19]</i>
CR 207.21	Preponderance of evidence: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.25	Reasonableness: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.27	Verdict: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.29	Additional finding: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.31	Common closing remarks: sample instruction <i>[Rev. 2/1/20]</i>
CR 207.33	Conduct while deliberating: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.35	Foreperson: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.37	Questions by the jury: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.39	Unanimous verdict: sample instruction <i>[Rev. 12-11-10]</i>
CR 207.41	Alternate juror: sample instruction <i>[Rev. 12-11-10]</i>

### **TITLE 3      GRAND JURY INSTRUCTIONS**

---

#### **Chapter CR 301      GRAND JURY INSTRUCTIONS**

---

CR 301.01	Qualifying the grand jury <i>[Rev. 11-1-03]</i>
CR 301.03	Oath to grand jurors R.C. 2939.06 <i>[Rev. 11-1-03]</i>
CR 301.05	Oath to court reporter(s) R.C. 2939.11 <i>[Rev. 11-1-03]</i>
CR 301.07	Instructions to grand jurors <i>[Rev. 8/10/16]</i>

### **TITLE 4      GENERAL CRIMINAL TRIAL INSTRUCTIONS**

---

#### **Chapter CR 401      PRELIMINARY JURY MATTERS**

---

CR 401.01	Qualifying the jury <i>[Rev. 2/22/20]</i>
CR 401.03	Defendant represents himself
CR 401.05	Voir dire examination by counsel Crim.R. 24(A)
CR 401.07	Orientation for new jury
CR 401.09	After the jury is sworn <i>[Rev. 2-20-10]</i>
CR 401.11	Recess instructions <i>[Rev. 2-20-10]</i>
CR 401.13	Extended recess or separate hearing
CR 401.15	Jury view; before visiting the scene R.C. 2945.16 <i>[Rev. 2-20-10]</i>



## *Volume 2 Table of Contents*

CR 401.17	Before conducting experiments
CR 401.19	Jurors taking notes
CR 401.21	Jurors asking questions [Rev. 2-7-04]
CR 401.23	Limited purpose evidence
CR 401.25	Other acts and prior conviction [Rev. 1/30/21]
CR 401.27	Written requests to instruct
CR 401.29	Interpreters and translators [Rev. 8-15-12]

---

### **Chapter CR 405      GENERAL INSTRUCTIONS**

---

CR 405.01	Delivery
CR 405.03	Introduction: general instructions [Rev. 12-11-10]
CR 405.05	Burden of proof
CR 405.07	Reasonable doubt (offenses committed before 9/9/08) [Rev. 6/7/14]
CR 405.07	Reasonable doubt (offenses committed on and after 9/9/08) [Rev. 6/7/14]
CR 405.09	Result in civil case

---

### **Chapter CR 409      EVIDENCE AND CREDIBILITY**

---

CR 409.01	Evidence and inference [Rev. 8-17-11]
CR 409.03	Exclusion not evidence
CR 409.05	Credibility [Rev. 8-15-12]
CR 409.07	Defendant does (not) testify
CR 409.09	Interrogation of defendant R.C. 2933.81 (offenses committed on and after 8/16/21) [Rev. 8/4/21]
CR 409.11	Other acts and prior conviction Evid.R. 404(B) and 609
CR 409.13	Consciousness of guilt (OPTIONAL) [Rev. 8-17-2005]
CR 409.15	Several defendants
CR 409.17	Testimony of accomplice R.C. 2923.01(H) and 2923.03(D)
CR 409.19	Opinion of layman
CR 409.21	Expert witness and hypothetical question
CR 409.23	Polygraph examiner and stipulated polygraph
CR 409.25	Exhibits [Rev. 8/10/16]
CR 409.27	Depositions and transcripts Crim.R. 15
CR 409.29	Cassette tapes
CR 409.31	Videotape
CR 409.33	Witnesses, acts

---

### **Chapter CR 413      ISSUES**

---

CR 413.01	Presentation of issues: preliminary
CR 413.03	Example: aggravated robbery



---

## Volume 2 Table of Contents

CR 413.05	Example: conclusions for aggravated robbery with submission of lesser offense
CR 413.07	Time, venue <i>[Rev. 10-11-08]</i>

---

### Chapter CR 417      DEFINITIONS

---

CR 417.01	Purposely, motive (offenses committed before 3/23/15) <i>[Rev. 12-8-12]</i>
CR 417.01	Purposely, motive R.C. 2901.22(A) (offenses committed on and after 3/23/15) <i>[Rev. 1/10/15]</i>
CR 417.03	Fraudulent purpose R.C. 2913.01(A) and (B)
CR 417.05	Mistake of fact
CR 417.07	Coma, blackout R.C. 2901.21(C)(2)
CR 417.09	Transfer of purpose
CR 417.11	Knowingly R.C. 2901.22(B) (offenses committed before 3/23/15)
CR 417.11	Knowingly R.C. 2901.22(B) (offenses committed on and after 3/23/15) <i>[Rev. 1/10/15]</i>
CR 417.13	Deprive R.C. 2913.01(C)
CR 417.15	Owner R.C. 2913.01(D)
CR 417.17	Criminal recklessness R.C. 2901.22(C) (offenses committed before 3/23/15)
CR 417.17	Criminal recklessness R.C. 2901.22(C) (offenses committed on and after 3/23/15) <i>[Rev. 8/9/17]</i>
CR 417.19	Criminal negligence R.C. 2901.22(D) (offenses committed before 3/23/15)
CR 417.19	Criminal negligence R.C. 2901.22(D) (offenses committed on and after 3/23/15) <i>[Rev. 1/10/15]</i>
CR 417.21	Possession R.C. 2901.21(C)(1)
CR 417.23	Cause; natural consequences <i>[Rev. 11/7/20]</i>
CR 417.25	Other causes, intervening causes <i>[Rev. 11/7/20]</i>
CR 417.27	Affirmative defense R.C. 2901.05(C) <i>[Rev. 9/12/20]</i>
CR 417.29	Preponderance of the evidence R.C. 2901.05(A)
CR 417.31	Prima facie evidence
CR 417.33	Evidential presumption
CR 417.35	Threat <i>[Rev. 10-23-10]</i>
CR 417.37	Reasonable cause to believe <i>[Rev. 10/10/20]</i>
CR 417.39	Sexual terms defined <i>[Rev. 12/9/17]</i>
CR 417.41	Firearm <i>[Rev. 11/17/18]</i>
CR 417.43	Battered Person Syndrome <i>[Rev. 4/13/19]</i>

---

### Chapter CR 421      DEFENSES

---

CR 421.01	Accident
CR 421.03	Alibi
CR 421.05	Character and reputation



---

## Volume 2 Table of Contents

CR 421.07	Intoxication R.C. 2901.21(C)
CR 421.09	Intoxication and purpose (non-homicide case) (offenses committed before 10/27/00)
CR 421.09	Intoxication and purpose (non-homicide case) (offenses committed on and after 10/27/00)
CR 421.11	Intoxication, drugs or anger (homicide case) (offenses committed before 10/27/00)
CR 421.11	Intoxication, drugs or anger (homicide case) (offenses committed on and after 10/27/00)
CR 421.13	Necessity
CR 421.15	Duress <i>[Rev. 4/13/19]</i>
CR 421.17	Unlawful entrapment
CR 421.19	Self defense against danger of death or great bodily harm <i>[Rev. 9/12/20]</i>
CR 421.19	Self-defense against danger of harm to person—use of non-deadly force R.C. 2901.05 (effective 4/6/21) <i>[Rev. 4/17/21]</i>
CR 421.191	Defense of another—use of non-deadly force R.C. 2901.05 (effective 4/6/21) <i>[Rev. 4/17/21]</i>
CR 421.21	Self-defense against danger of bodily harm <i>[Rev. 9/12/20]</i>
CR 421.21	Self-defense of person or residence against danger of death or great bodily harm—use of deadly force R.C. 2901.05 (effective 4/6/21) <i>[Rev. 4/17/21]</i>
CR 421.211	Defense of another against danger of death or great bodily harm—use of deadly force R.C. 2901.05 (effective 4/6/21) <i>[Rev. 4/17/21]</i>
CR 421.23	Presumption—Self-defense/Defense of another—when in residence or vehicle, use of deadly force (offenses committed on and after 3/28/19) <i>[Rev. 12/7/19]</i>
CR 421.25	Insanity: defined <i>[Rev. 4/13/19]</i>
CR 421.27	Insanity: kinds
CR 421.29	Insanity: burden and conclusion

---

### Chapter CR 425 VERDICTS

---

CR 425.01	General conclusion
CR 425.03	Affirmative defense <i>[Rev. 11/7/20]</i>
CR 425.05	Multiple defendants
CR 425.07	Multiple counts
CR 425.09	Lesser included offense <i>[Rev. 5/2/15]</i>
CR 425.11	Purpose of submitting lesser offense
CR 425.13	Alternative counts
CR 425.15	Issue of prior conviction <i>[Rev. 3/7/20]</i>
CR 425.19	Body armor specification R.C. 2941.1411 <i>[Rev. 1/11/14]</i>
CR 425.21	Physical harm specification R.C. 2941.143 <i>[Rev. 1/11/14]</i>
CR 425.23	Value and special property (offenses committed before 9/14/00) <i>[Rev. 10-22-11]</i>



---

## Volume 2 Table of Contents

CR 425.23	Value and special property (offenses committed on and after 9/14/2000 but before 9/30/2011) <b>[Rev. 10-22-11]</b>
CR 425.23	Value and special property (offenses committed on and after 9/30/2011 but before 7/1/13) <b>[Rev. 9/14/13]</b>
CR 425.23	Value and special property (offenses committed on and after 7/1/13) <b>[Rev. 11/7/20]</b>
CR 425.25	Other special findings <b>[Rev. 5/7/16]</b>
CR 425.27	Specifications of aggravating circumstances R.C. 2929.03, 2929.04 (provisional)
CR 425.29	Sexually violent predator R.C. 2971.02 (offenses committed on and after 1/1/97) <b>[Rev. 9-13-03]</b>
CR 425.31	Sexual motivation specification R.C. 2971.01 (offenses committed on and after 1/1/97) <b>[Rev. 1/11/14]</b>
CR 425.33	Verdict <b>[Rev. 2-24-07]</b>
CR 425.35	Common closing remarks <b>[Rev. 2/1/20]</b>
CR 425.37	Conduct while deliberating <b>[Rev. 12-11-10]</b>
CR 425.39	Alternate juror <b>[Rev. 10-11-08]</b>
CR 425.41	Juror's rights and service
CR 425.43	Final remarks <b>[Rev. 8-19-09]</b>

---

### Chapter CR 429 DELIBERATIONS

CR 429.01	Interrupting deliberations
CR 429.03	Oath if sequestered
CR 429.05	Questions by the jury <b>[Rev. 8/6/14]</b>
CR 429.07	Additional instruction on matters of law
CR 429.09	Possibility of a verdict <b>[Rev. 8/15/18]</b>
CR 429.11	Discharging jury without agreement
CR 429.13	Juror's rights after discharge

### TITLE 5 CRIMINAL SUBJECT MATTER INSTRUCTIONS

---

### Chapter CR 503 HOMICIDE AND ASSAULT

CR 503.01	Aggravated murder: death penalty—trial phase R.C. 2903.01 <b>[Rev. 2/9/19]</b>
CR 503.011	Aggravated murder: death penalty—sentencing phase R.C. 2929.03(D), 2929.04 <b>[Rev. 8/6/14]</b>
CR 503.02	Murder R.C. 2903.02 (offenses committed on and after 9/6/96 but before 6/30/98)
CR 503.02	Murder R.C. 2903.02 (offenses committed on and after 6/30/98) <b>[Rev. 2-24-07]</b>
CR 503.03	Voluntary manslaughter R.C. 2903.03 (offenses committed on and after 9/6/96) <b>[Rev. 1/20/07]</b>



---

## Volume 2 Table of Contents

CR 503.04	Involuntary manslaughter R.C. 2903.04 (offenses committed on and after 9/6/96 but before 3/23/00)
CR 503.04	Involuntary manslaughter R.C. 2903.04 (offenses committed on and after 3/23/00)
CR 503.041	Reckless homicide R.C. 2903.041
CR 503.05	Negligent homicide R.C. 2903.05
CR 503.06	Aggravated vehicular homicide; vehicular homicide; vehicular manslaughter R.C. 2903.06 (offenses committed on or after 6/1/04) [ <i>Rev. 1-23-10</i> ]
CR 503.08	Aggravated vehicular assault; vehicular assault R.C. 2903.08 (offenses committed on or after 6/1/04) [ <i>Rev. 1-23-10</i> ]
CR 503.11(A)	Felonious assault R.C. 2903.11(A) (offenses committed on and after 9/6/96 but before 3/14/07) [ <i>Rev. 12-11-10</i> ]
CR 503.11(A)	Felonious assault R.C. 2903.11(A) (offenses committed on and after 3/14/07) [ <i>Rev. 12-11-10</i> ]
CR 503.11(B)	Felonious assault R.C. 2903.11(B) (offenses committed on and after 3/23/00) [ <i>Rev. 12-11-10</i> ]
CR 503.12	Aggravated assault R.C. 2903.12 (offenses committed on and after 2/3/00 but before 3/14/07) [ <i>Rev. 12-11-10</i> ]
CR 503.12	Aggravated assault R.C. 2903.12 (offenses committed on and after 3/14/07) [ <i>Rev. 12-11-10</i> ]
CR 503.13	Assault R.C. 2903.13 (offenses committed on and after 3/14/07 but before 3/22/13) [ <i>Rev. 5-4-13</i> ]
CR 503.13	Assault R.C. 2903.13 (offenses committed on and after 3/22/13) [ <i>Rev. 5-4-13</i> ]
CR 503.14	Negligent assault R.C. 2903.14 (offenses committed on and after 9/6/96) [ <i>Rev. 12-11-10</i> ]
CR 503.15	Permitting child abuse R.C. 2903.15 (offenses committed on and after 8/25/99)
CR 503.16	Failure to provide for functionally impaired person R.C. 2903.16
CR 503.21	Aggravated menacing R.C. 2903.21 (offenses committed on and after 9/6/96)
CR 503.211	Menacing by stalking R.C. 2903.211 (offenses committed on and after 1/1/08 but before 8/16/16) [ <i>Rev. 12/10/16</i> ]
CR 503.211	Menacing by stalking R.C. 2903.211 (offenses committed on and after 8/16/16) [ <i>Rev. 12-10-16</i> ]
CR 503.211	Menacing by stalking R.C. 2903.211 (offenses committed on and after 1/1/08) [ <i>Rev. 3-29-08</i> ]
CR 503.22	Menacing R.C. 2903.22 (offenses committed on and after 9/6/96)
CR 503.31	Hazing R.C. 2903.31
CR 503.34	Patient abuse; neglect R.C. 2903.34 (offenses committed on and after 7/1/96) [ <i>Rev. 10-11-08</i> ]
CR 503.341	Patient endangerment [ <i>Rev. 9-11-10</i> ]
CR 503.35	Filing a false patient abuse or neglect complaint R.C. 2903.35



---

## Volume 2 Table of Contents

---

### Chapter CR 505 KIDNAPPING AND EXTORTION

---

CR 505.01(A)	Kidnapping R.C. 2905.01(A) (offenses committed before 7/1/96) <b>[Rev. 5/7/16]</b>
CR 505.01(A)	Kidnapping R.C. 2905.01(A) (offenses committed on and after 7/1/96) <b>[Rev. 5/7/16]</b>
CR 505.01(B)	Kidnapping (special circumstances) R.C. 2905.01(B) (offenses committed before 7/1/96) <b>[Rev. 5/7/16]</b>
CR 505.01(B)	Kidnapping (special circumstances) R.C. 2905.01(B) (offenses committed on and after 7/1/96) <b>[Rev. 5/7/16]</b>
CR 505.02	Abduction R.C. 2905.02 (offenses committed on and after 7/1/96) <b>[Rev. 8/5/15]</b>
CR 505.03	Unlawful restraint R.C. 2905.03 (offenses committed on and after 1/1/08) <b>[Rev. 5/3/14]</b>
CR 505.05	Criminal child enticement R.C. 2905.05
CR 505.11	Extortion R.C. 2905.11 (offenses committed on and after 7/1/96) <b>[Rev. 2/8/14]</b>
CR 505.12	Coercion R.C. 2905.12 <b>[Rev. 2/8/14]</b>
CR 505.22	Extortionate extension of credit; criminal usury R.C. 2905.22 (offenses committed on and after 7/1/96) <b>[Rev. 2/8/14]</b>
CR 505.32	Trafficking in persons R.C. 2905.32 (offenses committed on and after 6/20/14) <b>[Rev. 3/5/16]</b>
CR 505.32	Trafficking in persons R.C. 2905.32 (offenses committed on and after 6/20/14 but before 10/12/16) <b>[Rev. 11/5/16]</b>
CR 505.32	Trafficking in persons R.C. 2905.32 (offenses committed on and after 10/12/16) <b>[Rev. 11/5/16]</b>
CR 505.33	Unlawful conduct with respect to documents R.C. 2905.33 (offenses committed on and after 3/24/11) <b>[Rev. 8/5/15]</b>

---

### Chapter CR 507 SEX OFFENSES

---

CR 507.02(A)(1)	Rape R.C. 2907.02(A)(1) (offenses committed before 7/1/96) <b>[Rev. 1-22-11]</b>
CR 507.02(A)(1)	Rape R.C. 2907.02(A)(1) (offenses committed on and after 7/1/96 but before 3/10/98) <b>[Rev. 1-22-11]</b>
CR 507.02(A)(1)	Rape R.C. 2907.02(A)(1) (offenses committed on and after 3/10/98) <b>[Rev. 1-22-11]</b>
CR 507.02(A)(2)	Rape R.C. 2907.02(A)(2) (offenses committed before 7/1/96) <b>[Rev. 9-17-05]</b>
CR 507.02(A)(2)	Rape R.C. 2907.02(A)(2) (offenses committed on and after 7/1/96) <b>[Rev. 1-20-07]</b>
CR 507.03	Sexual battery R.C. 2907.03 (offenses committed before 7/1/96)
CR 507.03	Sexual battery R.C. 2907.03 (offenses committed on and after 7/1/96 but before 4/7/09) <b>[Rev. 1-23-10]</b>

---

## Volume 2 Table of Contents

CR 507.03	Sexual battery R.C. 2907.03 (offenses committed on and after 4/7/09) [Rev. 3/5/16]
CR 507.04	Corruption of a minor R.C. 2907.04 (offenses committed before 7/1/96)
CR 507.04	Unlawful sexual conduct with a minor R.C. 2907.04 (offenses committed on and after 7/1/96) [Rev. 6/27/20]
CR 507.05	Gross sexual imposition R.C. 2907.05 (offenses committed before 7/1/96) [Rev. 10-22-11]
CR 507.05	Gross sexual imposition R.C. 2907.05 (offenses committed on and after 7/1/96 but before 3/10/98) [Rev. 10-22-11]
CR 507.05	Gross sexual imposition R.C. 2907.05 (offenses committed on and after 3/10/98 but before 1/1/08) [Rev. 12/9/17]
CR 507.05	Gross sexual imposition R.C. 2907.05 (offenses committed on and after 1/1/08) [Rev. 12/9/17]
CR 507.06	CR 507.06 Sexual imposition R.C. 2907.06 (offenses committed on and after 5/14/02) [Rev. 1-23-10]
CR 507.07	Importuning R.C. 2907.07 (offenses committed on and after 7/31/03 but before 9/11/08) [Rev. 5-8-10]
CR 507.07	Importuning R.C. 2907.07 (offenses committed on and after 9/11/08) [Rev. 1-23-10]
CR 507.08	Voyeurism R.C. 2907.08 (offenses committed on and after 1/30/98 but before 4/7/09) [Rev. 1-23-10]
CR 507.08	Voyeurism R.C. 2907.08 (offenses committed on and after 4/7/09) [Rev. 1-23-10]
CR 507.09	Public indecency R.C. 2907.09 (offenses committed before 9/26/05) [Rev. 2-24-07]
CR 507.09	Public indecency R.C. 2907.09 (offenses committed on and after 9/26/05) [Rev. 2-24-07]
CR 507.19	Commercial sexual exploitation of a minor R.C. 2907.19 (offenses committed on and after 6/20/14) [Rev. 10/3/15]
CR 507.21	Compelling prostitution R.C. 2907.21 (offenses committed before 7/1/96)
CR 507.21	Compelling prostitution R.C. 2907.21 (offenses committed on and after 7/1/96 but before 9/11/08) [Rev. 12/6/08]
CR 507.21	Compelling prostitution R.C. 2907.21 (offenses committed on and after 9/11/08) [Rev. 12/6/08]
CR 507.22	Promoting prostitution R.C. 2907.22 (offenses committed on and after 7/1/96 but before 9/29/13)
CR 507.22	Promoting prostitution R.C. 2907.22 (offenses committed on and after 9/29/13) [Rev. 5/3/14]
CR 507.23	Procuring R.C. 2907.23 [Rev. 9-17-05]
CR 507.24	Soliciting R.C. 2907.24 (offenses committed before 6/20/14) [Rev. 12/5/15]
CR 507.24	Soliciting R.C. 2907.24 (offenses committed on and after 6/20/14 but before 10/12/16) [Rev. 11/5/16]



## Volume 2 Table of Contents

CR 507.24	Soliciting R.C. 2907.24 (offenses committed on and after 10/12/16) <b>[Rev. 11/5/16]</b>
CR 507.241	Loitering to engage in solicitation R.C. 2907.241 (offenses committed on and after 7/1/96) <b>[Rev. 9-17-05]</b>
CR 507.25	Prostitution R.C. 2907.25
CR 507.31	Disseminating matter harmful to juveniles R.C. 2907.31 (offenses committed before 7/1/96)
CR 507.31	Disseminating matter harmful to juveniles R.C. 2907.31 (offenses committed on and after 1/1/04) <b>[Rev. 9-17-05]</b>
CR 507.311	Displaying matter harmful to juveniles R.C. 2907.311
CR 507.32	Pandering obscenity R.C. 2907.32
CR 507.321	Pandering obscenity involving a minor or impaired person R.C. 2907.321 (offenses committed on and after 3/22/19) <b>[Rev. 12/7/19]</b>
CR 507.322	Pandering sexually oriented matter involving a minor or impaired person R.C. 2907.322 (offenses committed on and after 3/22/19) <b>[Rev. 12/7/19]</b>
CR 507.323	Illegal use of minor or impaired person in nudity-oriented material or performance R.C. 2907.323 (offenses committed on and after 3/22/19) <b>[Rev. 12/7/19]</b>
CR 507.33	Deception to obtain matter harmful to juveniles R.C. 2907.33(A)
CR 507.34(A)	Compelling acceptance of objectionable materials R.C. 2907.34(A) (offenses committed on and after 7/1/96)
CR 507.34(B)	Compelling acceptance of objectionable materials R.C. 2907.34(B) (offenses committed on and after 7/1/96)
CR 507.40(B)	Illegally operating sexually oriented business <b>[Rev. 12/6/08]</b>
CR 507.42	Permit to operate massage establishment in unincorporated area of township; prohibited activities R.C. 503.42 (offenses committed on and after 7/1/96)
CR 507.53(A)	Operation of adult cabaret without permit R.C. 503.53(A)
CR 507.53(B)	Illegal acts of adult cabaret owner or operator R.C. 503.53(B)
CR 507.53(C)	Illegal acts of person employed by adult cabaret R.C. 503.53(C)
CR 507.71	Sexually violent predator R.C. 2971.02 (offenses committed on and after 1/1/97) <b>[Rev. 12/5/20]</b>
CR 507.72	Sexual motivation specification R.C. 2971.01, 2941.147 (offenses committed on and after 1/1/97) <b>[Rev. 9-17-05]</b>

---

### Chapter CR 509 ARSON AND RELATED OFFENSES

---

CR 509.02	Aggravated arson R.C. 2909.02 (offenses committed before 7/1/96)
CR 509.02	Aggravated arson R.C. 2909.02 (offenses committed on and after 7/1/96)
CR 509.03	Arson R.C. 2909.03 (offenses committed on and after 7/1/96)
CR 509.04	Disrupting public services (offenses committed on and after 7/1/96 but before 9/23/04) <b>[Rev. 12/5/15]</b>
CR 509.04	Disrupting public services R.C. 2909.04 (offenses committed on and after 9/23/04) <b>[Rev. 12/5/15]</b>

---

## Volume 2 Table of Contents

CR 509.05(A)	Vandalism—occupied structure R.C. 2909.05(A) (offenses committed on and after 9/30/11) <i>[Rev. 12/7/19]</i>
CR 509.05(B)	Vandalism—property R.C. 2909.05(B) (offenses committed on and after 9/30/11) <i>[Rev. 12/7/19]</i>
CR 509.05(C)	Vandalism—cemeteries R.C. 2909.05(C) (offenses committed on and after 9/30/11) <i>[Rev. 12/7/19]</i>
CR 509.05(D)	Vandalism—breaking and entering a place of burial R.C. 2909.05(D) (offenses committed on and after 9/30/11) <i>[Rev. 12/7/19]</i>
CR 509.06	Criminal damaging or endangering R.C. 2909.06 (offenses committed on and after 7/1/96)
CR 509.07	Criminal mischief R.C. 2909.07 (offenses committed on and after 9/23/04 but before 9/28/16) <i>[Rev. 11/7/20]</i>
CR 509.07	Criminal mischief R.C. 2909.07 (offenses committed on and after 9/28/16) <i>[Rev. 11/7/20]</i>
CR 509.08	Endangering aircraft-airport operations R.C. 2909.08 (offenses committed on or after 7/1/96)
CR 509.15	Failure to register or reregister as an arson offender R.C. 2909.15 (offenses committed on and after 7/1/13) <i>[Rev. 5/7/16]</i>
CR 509.22	Soliciting or providing support for terrorism R.C. 2909.22 <i>[Rev. 3-17-12]</i>
CR 509.23	Making a terroristic threat R.C. 2909.23 <i>[Rev. 3-17-12]</i>
CR 509.24	Terrorism R.C. 2909.24 <i>[Rev. 12-11-10]</i>
CR 509.26	Criminal possession of chemical weapon, biological weapon, radiological or nuclear weapon or explosive device R.C. 2909.26 <i>[Rev. 5-4-13]</i>
CR 509.27	Criminal use of chemical weapon, biological weapon, radiological or nuclear weapon or explosive device R.C. 2909.27 <i>[Rev. 5-4-13]</i>
CR 509.28	Illegal assembly or possession of chemicals or substances for the manufacture of a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device R.C. 2909.28 (offenses committed on and after 9/10/12) <i>[Rev. 8/5/15]</i>
CR 509.29	Money laundering in support of terrorism R.C. 2909.29 <i>[Rev. 5-4-13]</i>
CR 509.101	Railroad grade crossing device vandalism R.C. 2909.101 (offenses committed on and after 4/9/03) <i>[Rev. 2/6/16]</i>

---

### Chapter CR 511 ROBBERY, BURGLARY AND TRESPASS

---

CR 511.01(A)	Aggravated robbery R.C. 2911.01(A) <i>[Rev. 1-23-10]</i>
CR 511.01(B)	Aggravated robbery R.C. 2911.01(B)
CR 511.02	Robbery R.C. 2911.02 (offenses committed on and after 7/1/96) <i>[Rev. 9/20/14]</i>
CR 511.11	Aggravated burglary R.C. 2911.11 <i>[Rev. 9-11-10]</i>
CR 511.12	Burglary R.C. 2911.12 (offenses committed before 9/30/11) <i>[Rev. 12-8-12]</i>
CR 511.12	Burglary R.C. 2911.12 (offenses committed on and after 9/30/11) <i>[Rev. 12-8-12]</i>



---

## Volume 2 Table of Contents

CR 511.12(B)	Trespass in a habitation when a person is present or likely to be present R.C. 2911.12(B) (offenses committed on and after 9/30/11) <b>[Rev. 2/1/20]</b>
CR 511.13(A)	Breaking and entering: structure R.C. 2911.13(A) <b>[Rev. 9-11-10]</b>
CR 511.13(B)	Breaking and entering: land R.C. 2911.13(B)
CR 511.21	Criminal trespass R.C. 2911.21 (offenses committed on and after 7/1/09) <b>[Rev. 8-11-10]</b>
CR 511.211	Aggravated trespass R.C. 2911.211
CR 511.23	Criminal trespass on a place of public amusement R.C. 2911.23 <b>[Rev. 8/7/19]</b>
CR 511.31	Safecracking R.C. 2911.31
CR 511.32	Tampering with coin machines R.C. 2911.32

---

### Chapter CR 513 THEFT AND FRAUD

---

CR 513.02	Theft R.C. 2913.02 (offenses committed on and after 7/1/96 but before 7/22/98) <b>[Rev. 10-22-11]</b>
CR 513.02	Theft R.C. 2913.02 (offenses committed on and after 7/22/98 but before 11/10/99) <b>[Rev. 10-22-11]</b>
CR 513.02	Theft R.C. 2913.02 (offenses committed on and after 11/10/99 but before 9/16/03) <b>[Rev. 10-22-11]</b>
CR 513.02	Theft R.C. 2913.02 (offenses committed on and after 9/16/2003 but before 11/26/2004) <b>[Rev. 10-22-11]</b>
CR 513.02	Theft R.C. 2913.02 (offenses committed on and after 11/26/2004 but before 4/15/2005) <b>[Rev. 10-22-11]</b>
CR 513.02	Theft R.C. 2913.02 (offenses committed on and after 4/15/2005 but before 3/14/2007) <b>[Rev. 10-22-11]</b>
CR 513.02	Theft R.C. 2913.02 (offenses committed on and after 3/14/2007 but before 4/7/2009) <b>[Rev. 10-22-11]</b>
CR 513.02	Theft R.C. 2913.02 (offenses committed on and after 4/7/2009 but before 9/30/2011) <b>[Rev. 10-22-11]</b>
CR 513.02	Theft R.C. 2913.02 (offenses committed on and after 9/30/2011 but before 7/1/13) <b>[Rev. 9/14/13]</b>
CR 513.02	Theft R.C. 2913.02 (offenses committed on and after 7/1/13 but before 9/16/14) <b>[Rev. 9/14/13]</b>
CR 513.02	Theft R.C. 2913.02 (offenses committed on and after 9/16/14) <b>[Rev. 1/9/16]</b>
CR 513.03	Unauthorized use of a vehicle R.C. 2913.03 (offenses committed on and after 7/1/96 but before 11/10/99) <b>[Rev. 5/7/16]</b>
CR 513.03	Unauthorized use of a vehicle R.C. 2913.03 (offenses committed on and after 11/10/99 but before 9/30/11) <b>[Rev. 5/7/16]</b>
CR 513.03	Unauthorized use of a vehicle R.C. 2913.03 (offenses committed on and after 9/30/11) <b>[Rev. 5/7/16]</b>
CR 513.04	Unauthorized use of property R.C. 2913.04 (offenses committed on and after 7/1/96)

---

## Volume 2 Table of Contents

CR 513.05	Telecommunications fraud R.C. 2913.05 (offenses committed on and after 3/30/99 but before 6/8/12)[ <i>Rev. 5/6/17</i> ]
CR 513.05	Telecommunications fraud R.C. 2913.05 (offenses committed on and after 6/8/12)[ <i>Rev. 5/6/17</i> ]
CR 513.07	Motion picture piracy R.C. 2913.07 (offenses committed on and after 3/9/04) [ <i>Rev. 1/21/18</i> ]
CR 513.041	Possession or sale of unauthorized device R.C. 2913.041 (offenses committed on and after 7/1/96)
CR 513.11	Passing bad checks R.C. 2913.11 (offenses committed on and after 7/1/96 but before 5/18/05) [ <i>Rev. 10/13/18</i> ]
CR 513.11	Passing bad checks R.C. 2913.11 (offenses committed on and after 5/18/05 but before 9/30/11) [ <i>Rev. 10/13/18</i> ]
CR 513.11	Passing bad checks R.C. 2913.11 (offenses committed on and after 9/30/11) [ <i>Rev. 10/13/18</i> ]
CR 513.21	Misuse of credit cards R.C. 2913.21 (offenses committed on and after 7/1/96 but before 11/10/99)
CR 513.21	Misuse of credit cards R.C. 2913.21 (offenses committed on and after 11/10/99 but before 9/30/11) [ <i>Rev. 12/8/18</i> ]
CR 513.21	Misuse of credit cards R.C. 2913.21 (offenses committed on and after 9/30/11 but before 11/2/18) [ <i>Rev. 12/8/18</i> ]
CR 513.21	Misuse of credit cards R.C. 2913.21 (offenses committed on and after 11/2/18) [ <i>Rev. 5/22/2021</i> ]
CR 513.31(A)	Forgery R.C. 2913.31(A) (offenses committed on and after 7/1/96)
CR 513.31(B)	Forging identification cards or selling or distributing forged identification cards R.C. 2913.31(B)
CR 513.32	Criminal simulation R.C. 2913.32 (offenses committed on and after 7/1/96)
CR 513.33	Making or using slugs R.C. 2913.33
CR 513.34	Trademark counterfeiting R.C. 2913.34 (offenses committed on and after 3/31/97)
CR 513.40	Medicaid fraud R.C. 2913.40 [ <i>Rev. 8-22-07</i> ]
CR 513.401	Medicaid eligibility fraud R.C. 2913.401 [ <i>Rev. 8-22-07</i> ]
CR 513.41	Defrauding a livery or hostelry R.C. 2913.41 (offenses committed before 7/1/96)
CR 513.42	Tampering with records R.C. 2913.42 (offenses committed on and after 7/1/96)
CR 513.43	Securing writings by deception R.C. 2913.43 (offenses committed on and after 7/1/96)
CR 513.44	Personating an officer R.C. 2913.44
CR 513.45	Defrauding creditors R.C. 2913.45 (offenses committed on and after 7/1/96)
CR 513.46(B)	Illegal use of food stamps or WIC program benefits R.C. 2913.46(B) (offenses committed on and after 9/26/96)



---

## Volume 2 Table of Contents

CR 513.46(C)	Illegal use of food stamps or WIC program benefits R.C. 2913.46(C) (offenses committed on and after 9/26/96)
CR 513.47	Insurance fraud R.C. 2913.47 (offenses committed on and after 7/1/96)
CR 513.48	Workers' compensation fraud R.C. 2913.48 (offenses committed on and after 7/1/96)
CR 513.49	Identity Fraud R.C. 2913.49 (offenses committed on and after 9/16/05 but before 9/30/11) <b>[Rev. 1-21-12]</b>
CR 513.49	Identity Fraud R.C. 2913.49 (offenses committed on and after 9/30/11) <b>[Rev. 1-21-12]</b>
CR 513.51	Receiving stolen property R.C. 2913.51 (offenses committed on and after 7/1/96 but before 7/22/98) <b>[Rev. 1/11/14]</b>
CR 513.51	Receiving stolen property R.C. 2913.51 (offenses committed on and after 7/22/98 but before 10/29/99) <b>[Rev. 1/11/14]</b>
CR 513.51	Receiving stolen property R.C. 2913.51 (offenses committed on and after 10/29/99 but before 9/30/11) <b>[Rev. 1/11/14]</b>
CR 513.51	Receiving stolen property R.C. 2913.51 (offenses committed on and after 9/30/11 but before 7/1/13) <b>[Rev. 1/11/14]</b>
CR 513.51	Receiving stolen property R.C. 2913.51 (offenses committed on and after 7/1/13) <b>[Rev. 1/11/14]</b>

---

### Chapter CR 515      GAMBLING

---

CR 515.02	Gambling R.C. 2915.02 (offenses committed before 9/10/10) <b>[Rev. 8-17-11]</b>
CR 515.02	Gambling R.C. 2915.02 (offenses committed on and after 9/10/10 but before 9/4/13) <b>[Rev. 9/14/13]</b>
CR 515.02	Gambling R.C. 2915.02 (offenses committed on and after 9/4/13) <b>[Rev. 9/14/13]</b>
CR 515.03	Operating a gambling house R.C. 2915.03
CR 515.04	Public gaming R.C. 2915.04 (offenses committed before 7/1/03) <b>[Rev. 12-10-11]</b>
CR 515.04	Public gaming R.C. 2915.04 (offenses committed on and after 7/1/03) <b>[Rev. 12-10-11]</b>
CR 515.05	Cheating R.C. 2915.05 (offenses committed before 7/1/96)
CR 515.05(A)	Cheating R.C. 2915.05(A) (offenses committed on and after 7/1/96) <b>[Rev. 2-25-12]</b>
CR 515.05(B)	Corrupting sports R.C. 2915.05(B) (offenses committed on and after 7/1/96) <b>[Rev. 2-25-12]</b>
CR 515.06	Corrupting sports R.C. 2915.06 (offenses committed before 7/1/96)
CR 515.06	Skill-based amusement machine prohibited conduct R.C. 2915.06 (offenses committed on and after 10/25/07) <b>[Rev. 12-10-11]</b>
CR 515.07	Conducting an illegal bingo game R.C. 2915.07 (offenses committed before 7/1/03) <b>[Rev. 12-10-11]</b>
CR 515.07	Conducting an illegal bingo game R.C. 2915.07 (offenses committed on and after 7/1/2003) <b>[Rev. 12-10-11]</b>

---

## Volume 2 Table of Contents

CR 515.081	Illegally operating as a distributor R.C. 2915.081 <i>[Rev. 12-10-11]</i>
CR 515.082	Illegally operating as a manufacturer R.C. 2915.082 <i>[Rev. 12-10-11]</i>
CR 515.09	Illegally conducting a bingo game (rules for conducting bingo) R.C. 2915.09 (offenses committed before 9/30/04) <i>[Rev. 5-12-12]</i>
CR 515.09	Illegally conducting a bingo game (rules for conducting bingo) R.C. 2915.09 (offenses committed on and after 9/30/04) <i>[Rev. 5-12-12]</i>
CR 515.091	Illegal instant bingo conduct R.C. 2915.091 (offenses committed on and after 9/10/10) <i>[Rev. 1-21-12]</i>
CR 515.092	Illegal conduct of a raffle R.C. 2915.092 (offenses committed on and after 9/23/04) <i>[Rev. 1-21-12]</i>
CR 515.094	Illegal instant bingo conduct by owner or lessor R.C. 2915.094 <i>[Rev. 1-21-12]</i>
CR 515.10(A)	Bingo, scheme of chance, or game of chance record violations R.C. 2915.10(A) (offenses on and after 7/1/96 but before 7/1/03) <i>[Rev. 5-12-12]</i>
CR 515.10(A)	Bingo, scheme of chance, or game of chance record violations R.C. 2915.10(A) (offenses on and after 7/1/03) <i>[Rev. 5-12-12]</i>
CR 515.10(C)	Bingo, scheme of chance, or game of chance record violations R.C. 2915.10(C) (offenses on and after 7/1/96 but before 7/1/03) <i>[Rev. 5-12-12]</i>
CR 515.10(I)	Bingo, scheme of chance, or game of chance record violations R.C. 2915.10(I) (offenses on and after 7/1/03) <i>[Rev. 5-12-12]</i>
CR 515.11	Prohibited bingo game operators R.C. 2915.11 <i>[Rev. 12-10-11]</i>
CR 515.12	Conducting prohibited bingo games (bingo for amusement only) R.C. 2915.12 (offenses committed before 7/1/96)
CR 515.13	Illegal instant bingo conduct by veteran's organization, fraternal organization, or sporting organization R.C. 2915.13 (offenses committed on and after 9/30/04) <i>[Rev. 5-12-12]</i>
CR 515.15	Casino-related crimes R.C. 3772.99(D), (E), and (G) (offenses committed on and after 6/11/12) <i>[Rev. 12-8-12]</i>

---

## GENERAL INDEX

---



## Volume 2 Table of Contents

### CIVIL INSTRUCTIONS CORRELATION TABLE

Previous Instruction Number	New Edition Instruction Number
1.01	OJI-CV 101.01
1.03	OJI-CV 101.03
1.05	OJI-CV 101.05
1.07	OJI-CV 101.07
1.09	OJI-CV 101.09
1.11	OJI-CV 101.11
1.13	OJI-CV 101.13
1.15	OJI-CV 101.15
1.17	OJI-CV 101.17
1.19	OJI-CV 101.19
1.21	OJI-CV 101.21
1.23	OJI-CV 101.23
1.25	OJI-CV 101.25
1.27	OJI-CV 101.27
1.29	OJI-CV 101.29
1.31	OJI-CV 101.31
1.33	OJI-CV 101.33
1.35	OJI-CV 101.35
1.37	OJI-CV 101.37
1.39	OJI-CV 101.39
1.41	OJI-CV 101.41
1.43	OJI-CV 101.43
1.45	OJI-CV 101.45
1.47	OJI-CV 101.47
1.49	OJI-CV 101.49
1.51	OJI-CV 101.51
1.53	OJI-CV 101.53
1.55	OJI-CV 101.55
1.57	OJI-CV 101.57
1.59	OJI-CV 101.59
1.61	OJI-CV 101.61
1.63	OJI-CV 101.63
1.65	OJI-CV 101.65
1.67	OJI-CV 101.67
1.69	OJI-CV 101.69
1.71	OJI-CV 101.71
1.73	OJI-CV 101.73
1.75	OJI-CV 101.75
1.77	OJI-CV 101.77
1.79	OJI-CV 101.79
1.81	OJI-CV 101.81
1.83	OJI-CV 101.83

Previous Instruction Number	New Edition Instruction Number
1.85	OJI-CV 101.85
1.87	OJI-CV 101.87
2.01	OJI-CV 301.01
2.10	OJI-CV 301.03
2.20	OJI-CV 301.05
2.21	OJI-CV 301.07
2.25	OJI-CV 309.13
2.50	OJI-CV 309.15
2.51	OJI-CV 309.17
2.52	OJI-CV 301.09
2.53	OJI-CV 301.11
2.60	OJI-CV 309.05
2.61	OJI-CV 309.19
2.62	OJI-CV 309.21
2.65	OJI-CV 309.23
2.67	OJI-CV 309.25
3.01	OJI-CV 311.01
3.05	OJI-CV 303.01
3.10	OJI-CV 303.03
3.50	OJI-CV 303.05
3.75	OJI-CV 303.07
5.10	OJI-CV 305.01
5.13	OJI-CV 309.01
5.15	OJI-CV 309.03
5.20	OJI-CV 305.03
5.30	OJI-CV 305.05
5.31	OJI-CV 309.07
5.50	OJI-CV 309.09
5.70	OJI-CV 309.11
5.92	OJI-CV 311.09
7.10	OJI-CV 401.01
7.11	OJI-CV 401.03
7.12	OJI-CV 401.05
7.13	OJI-CV 401.07
7.14	OJI-CV 401.09
7.15	OJI-CV 401.11
7.17	OJI-CV 401.13
7.18	OJI-CV 401.15
7.19	OJI-CV 401.17
7.20	OJI-CV 401.19
7.25	OJI-CV 401.21
7.26	OJI-CV 401.23
7.27	OJI-CV 401.25
7.28	OJI-CV 401.27



Previous Instruction Number	New Edition Instruction Number
7.29	OJI-CV 401.29
7.30	OJI-CV 401.31
7.35	OJI-CV 401.33
7.70	OJI-CV 401.35
7.71	OJI-CV 401.37
7.80	OJI-CV 401.39
7.90	OJI-CV 401.41
9.13 (claims arising on and after 4/9/03)	OJI-CV 403.01 (claims arising on and after 4/9/03)
9.13 (claims arising before 1/5/88)	OJI-CV 403.01 (claims arising before 1/5/88)
9.13 (claims arising on and after 1/5/88 but before 4/9/03)	OJI-CV 403.01 (claims arising on and after 1/5/88 but before 4/9/03)
9.15 (claims arising on and after 4/9/03)	OJI-CV 403.03 (claims arising on and after 4/9/03)
9.15 (claims arising before 1/5/88)	OJI-CV 403.03 (claims arising before 1/5/88)
9.15 (claims arising on and after 1/5/88 but before 4/9/03)	OJI-CV 403.03 (claims arising on and after 1/5/88 but before 4/9/03)
9.17 (claims arising on and after 4/9/03)	OJI-CV 403.05 (claims arising on and after 4/9/03)
9.17 (claims arising on and after 1/5/88 but before 4/9/03)	OJI-CV 403.05 (claims arising on and after 1/5/88 but before 4/9/03)
9.19 (claims arising on and after 4/9/03)	OJI-CV 403.07 (claims arising on and after 4/9/03)
9.19 (claims arising on and after 1/5/88 but before 4/9/03)	OJI-CV 403.07 (claims arising on and after 1/5/88 but before 4/9/03)
9.50	OJI-CV 403.09
9.60	OJI-CV 403.11
9.70	OJI-CV 403.13
11.10	OJI-CV 405.01
11.20	OJI-CV 405.03
11.30	OJI-CV 405.05
13.01	OJI-CV 617.01
13.03	OJI-CV 617.03
13.05	OJI-CV 617.05
13.07	OJI-CV 617.07
13.09	OJI-CV 617.09
13.11	OJI-CV 617.11
13.13	OJI-CV 617.13
13.15	OJI-CV 617.15
13.17	OJI-CV 617.17
13.19	OJI-CV 617.19
13.21	OJI-CV 617.21
15.10	OJI-CV 423.01

Previous Instruction Number	New Edition Instruction Number
15.11	OJI-CV 423.03
15.30	OJI-CV 423.05
15.31	OJI-CV 423.07
15.50	OJI-CV 423.09
15.51	OJI-CV 423.11
15.52	OJI-CV 423.13
15.70	OJI-CV 423.15
17.00	OJI-CV 311.03
17.05	OJI-CV 311.05
17.11	OJI-CV 311.07
17.13	OJI-CV 311.11
17.15	OJI-CV 311.13
17.16	OJI-CV 311.15
17.20	OJI-CV 311.17
17.30	OJI-CV 311.19
17.40	OJI-CV 311.21
17.50	OJI-CV 311.23
17.60	OJI-CV 311.25
17.70	OJI-CV 311.27
17.90	OJI-CV 311.29
21.10	OJI-CV 313.01
21.20	OJI-CV 313.03
21.30	OJI-CV 313.05
23.01 (claims arising before 4/9/03)	OJI-CV 315.01 (claims arising before 4/9/03)
23.01 (claims arising on and after 4/7/05)	OJI-CV 315.01 (claims arising on and after 4/7/05)
23.01 (claims arising on and after 4/9/03 but before 4/7/05)	OJI-CV 315.01 (claims arising on and after 4/9/03 but before 4/7/05)
23.02	OJI-CV 315.03
23.04	OJI-CV 315.05
23.05	OJI-CV 315.07
23.07	OJI-CV 315.09
23.08	OJI-CV 315.11
23.09	OJI-CV 315.13
23.10	OJI-CV 315.15
23.20	OJI-CV 315.17
23.40	OJI-CV 315.19
23.41	OJI-CV 315.21
23.42	OJI-CV 315.23
23.43	OJI-CV 315.25
23.50	OJI-CV 315.27
23.55	OJI-CV 315.29
23.56	OJI-CV 315.31



Previous Instruction Number	New Edition Instruction Number
23.57	OJI-CV 315.33
23.60	OJI-CV 315.35
23.71 (claims arising on and after 1/5/88 but before 4/7/05)	OJI-CV 315.37 (claims arising on and after 1/5/88 but before 4/7/05)
23.71 (claims arising on and after 4/7/05)	OJI-CV 315.37 (claims arising on and after 4/7/05)
23.72	OJI-CV 315.39
23.75	OJI-CV 315.41
23.76	OJI-CV 315.43
23.77	OJI-CV 315.45
23.90	OJI-CV 315.47
23.91	OJI-CV 315.49
23.92	OJI-CV 315.51
23.93	OJI-CV 315.53
25.10	OJI-CV 317.01
25.20	OJI-CV 317.03
25.30	OJI-CV 317.05
25.40	OJI-CV 317.07
27.01	OJI-CV 319.01
27.05	OJI-CV 319.03
27.10	OJI-CV 319.05
27.50	OJI-CV 319.07
200.01	OJI-CV 435.01
200.03	OJI-CV 435.03
200.05	OJI-CV 435.05
217.01	OJI-CV 409.01
217.03	OJI-CV 409.03
217.05	OJI-CV 409.05
217.07	OJI-CV 409.07
219.01	OJI-CV 429.01
219.02	OJI-CV 429.03
219.03	OJI-CV 429.05
219.05	OJI-CV 429.07
219.07	OJI-CV 429.09
219.09	OJI-CV 429.11
225.01	OJI-CV 411.01
225.02	OJI-CV 411.03
225.03	OJI-CV 411.05
225.04	OJI-CV 411.07
225.05	OJI-CV 411.09
225.07	OJI-CV 411.11
225.08	OJI-CV 411.13
225.12	OJI-CV 411.15
225.13	OJI-CV 411.17

Previous Instruction Number	New Edition Instruction Number
225.131	OJI-CV 411.19
225.14	OJI-CV 411.21
225.15	OJI-CV 411.23
225.19	OJI-CV 411.25
225.20	OJI-CV 411.27
225.201	OJI-CV 411.29
225.202	OJI-CV 411.31
225.21	OJI-CV 411.33
225.22	OJI-CV 411.35
225.25	OJI-CV 411.37
225.251	OJI-CV 411.39
225.26	OJI-CV 411.41
225.27	OJI-CV 411.43
225.28	OJI-CV 411.45
225.29	OJI-CV 411.47
225.30	OJI-CV 411.49
225.31	OJI-CV 411.51
225.32	OJI-CV 411.53
225.33	OJI-CV 411.55
225.34	OJI-CV 411.57
225.35	OJI-CV 411.59
225.36	OJI-CV 411.61
225.37	OJI-CV 411.63
225.38	OJI-CV 411.65
225.39	OJI-CV 411.67
225.40	OJI-CV 411.69
225.41	OJI-CV 411.71
225.42	OJI-CV 411.73
225.43	OJI-CV 411.75
225.431	OJI-CV 411.77
225.44	OJI-CV 411.79
225.441	OJI-CV 411.81
225.45	OJI-CV 411.83
225.451	OJI-CV 411.85
225.452	OJI-CV 411.87
225.46	OJI-CV 411.89
225.47	OJI-CV 411.91
225.48	OJI-CV 411.93
225.481	OJI-CV 411.95
225.49	OJI-CV 411.97
225.50	OJI-CV 411.99
225.51	OJI-CV 411.101
225.52	OJI-CV 411.103
225.66	OJI-CV 411.105



Previous Instruction Number	New Edition Instruction Number
227.02	OJI-CV 411.107
227.021	OJI-CV 411.109
227.03	OJI-CV 411.111
229.01	OJI-CV 629.01
229.02	OJI-CV 629.03
239.01	OJI-CV 605.01
239.03	OJI-CV 605.03
239.05	OJI-CV 605.05
239.07	OJI-CV 605.07
239.09	OJI-CV 605.09
245.01	OJI-CV 407.01
245.03	OJI-CV 407.03
245.05	OJI-CV 407.05
245.07	OJI-CV 407.07
245.09	OJI-CV 407.09
245.11	OJI-CV 407.11
245.13	OJI-CV 407.13
245.15	OJI-CV 407.15
245.17	OJI-CV 407.17
245.19	OJI-CV 407.19
245.21	OJI-CV 407.21
245.23	OJI-CV 407.23
247.01	OJI-CV 713.01
252.01	OJI-CV 447.01
253.01	OJI-CV 501.01
253.03	OJI-CV 501.03
253.05	OJI-CV 501.05
253.07	OJI-CV 501.07
253.09	OJI-CV 501.09
253.11	OJI-CV 501.11
253.13	OJI-CV 501.13
253.15	OJI-CV 501.15
253.17	OJI-CV 501.17
253.19	OJI-CV 501.19
253.21	OJI-CV 501.21
253.23	OJI-CV 501.23
253.24	OJI-CV 501.25
253.25	OJI-CV 501.27
253.26	OJI-CV 501.29
253.27	OJI-CV 501.31
253.29	OJI-CV 501.33
253.31	OJI-CV 501.35
253.33	OJI-CV 501.37
253.35	OJI-CV 501.39

Previous Instruction Number	New Edition Instruction Number
255.01	OJI-CV 521.01
255.03	OJI-CV 521.03
257.01	OJI-CV 625.01
257.03	OJI-CV 625.03
257.05	OJI-CV 625.05
257.07	OJI-CV 625.07
264.01	OJI-CV 431.01
264.03	OJI-CV 431.03
264.05	OJI-CV 431.05
264.07	OJI-CV 431.07
265.01	OJI-CV 419.01
265.02	OJI-CV 419.03
266.01	OJI-CV 533.01
266.03	OJI-CV 533.03
266.05	OJI-CV 533.05
266.07	OJI-CV 533.07
266.09	OJI-CV 533.09
266.11	OJI-CV 533.11
266.15	OJI-CV 533.13
266.17	OJI-CV 533.15
266.19	OJI-CV 533.17
266.21	OJI-CV 533.19
266.23	OJI-CV 533.21
266.25	OJI-CV 533.23
266.27	OJI-CV 533.25
271.01	OJI-CV 453.01
271.03	OJI-CV 453.03
301.01	OJI-CV 609.01
301.03	OJI-CV 609.03
301.05	OJI-CV 609.05
301.07	OJI-CV 609.07
301.09	OJI-CV 609.09
301.11	OJI-CV 609.11
301.13	OJI-CV 609.13
301.15	OJI-CV 609.15
301.17	OJI-CV 609.17
301.19	OJI-CV 609.19
301.21	OJI-CV 609.21
301.23	OJI-CV 609.23
302.01	OJI-CV 537.01
302.03	OJI-CV 453.05
302.05 (claims arising before 4/09/03)	OJI-CV 537.05 (claims arising before 4/09/03)



Previous Instruction Number	New Edition Instruction Number
302.05 (claims arising on and after 4/7/05)	OJI-CV 537.05 (claims arising on and after 4/7/05)
302.05 (claims arising on and after 4/9/03 but before 4/7/05)	OJI-CV 537.05 (claims arising on and after 4/9/03 but before 4/7/05)
302.07	OJI-CV 537.07
302.09	OJI-CV 537.09
302.11	OJI-CV 537.11
302.13	OJI-CV 537.13
302.15	OJI-CV 537.15
302.17	OJI-CV 537.17
305.01	OJI-CV 437.01
307.01	OJI-CV 449.01
307.03	OJI-CV 449.03
307.05	OJI-CV 449.05
307.07	OJI-CV 449.07
307.09	OJI-CV 449.09
307.11	OJI-CV 449.11
307.13	OJI-CV 449.13
307.15	OJI-CV 449.15
307.17	OJI-CV 449.17
309.01	OJI-CV 441.01
309.03	OJI-CV 441.03
309.05	OJI-CV 441.05
309.07	OJI-CV 441.07
312.01	OJI-CV 425.01
312.03	OJI-CV 425.03
312.05	OJI-CV 425.05
312.07	OJI-CV 425.07
312.09	OJI-CV 425.09
312.11	OJI-CV 425.11
312.13	OJI-CV 425.13
312.15	OJI-CV 425.15
313.01	OJI-CV 637.01
313.03	OJI-CV 637.03
313.05	OJI-CV 637.05
313.07	OJI-CV 637.07
313.09	OJI-CV 637.09
313.11	OJI-CV 637.11
315.01	OJI-CV 509.01
315.02	OJI-CV 509.03
315.03	OJI-CV 509.05
315.04	OJI-CV 509.07
317.01	OJI-CV 701.01
317.03	OJI-CV 701.03

Previous Instruction Number	New Edition Instruction Number
317.05	OJI-CV 701.05
317.07	OJI-CV 701.07
317.09	OJI-CV 701.09
317.11	OJI-CV 701.11
317.13	OJI-CV 701.13
317.15	OJI-CV 701.15
319.01	OJI-CV 415.01
319.03	OJI-CV 415.03
319.05	OJI-CV 415.05
319.07	OJI-CV 415.07
319.09	OJI-CV 415.09
319.11	OJI-CV 415.11
323.01	OJI-CV 709.01
323.03	OJI-CV 709.03
323.05	OJI-CV 709.05
323.07	OJI-CV 709.07
323.09	OJI-CV 709.09
323.11	OJI-CV 709.11
323.13	OJI-CV 709.13
323.15	OJI-CV 709.15
323.17	OJI-CV 709.17
323.19	OJI-CV 709.19
323.21	OJI-CV 709.21
323.23	OJI-CV 709.23
323.25	OJI-CV 709.25
323.27	OJI-CV 709.27
323.29	OJI-CV 709.29
323.31	OJI-CV 709.31
323.33	OJI-CV 709.33
323.35	OJI-CV 709.35
323.37	OJI-CV 709.37
323.39	OJI-CV 709.39
323.41	OJI-CV 709.41
323.43	OJI-CV 709.43
323.45	OJI-CV 709.45
323.47	OJI-CV 709.47
323.49	OJI-CV 709.49
323.51	OJI-CV 709.51
323.53	OJI-CV 709.53
323.55	OJI-CV 709.55
323.57	OJI-CV 709.57
323.59	OJI-CV 709.59
323.61	OJI-CV 709.61
323.63	OJI-CV 709.63



Previous Instruction Number	New Edition Instruction Number
323.65	OJI-CV 709.65
325.01	OJI-CV 413.01
325.03	OJI-CV 413.03
325.05	OJI-CV 413.05
325.07	OJI-CV 413.07
325.09	OJI-CV 413.09
325.11	OJI-CV 413.11
327.01	OJI-CV 613.01
327.03	OJI-CV 613.03
327.05	OJI-CV 613.05
327.07	OJI-CV 613.07
327.11	OJI-CV 613.09
327.13	OJI-CV 613.11
327.15	OJI-CV 613.13
327.17	OJI-CV 613.15
327.19	OJI-CV 613.17
327.21	OJI-CV 613.19
327.23	OJI-CV 613.21
327.25	OJI-CV 613.23
327.27	OJI-CV 613.25
327.29	OJI-CV 613.27
327.31	OJI-CV 613.29
327.33	OJI-CV 613.31
327.35	OJI-CV 613.33
329.01	OJI-CV 529.01
330.01	OJI-CV 439.01
330.03	OJI-CV 439.03
330.05	OJI-CV 439.05
330.07	OJI-CV 439.07
330.09	OJI-CV 439.09
331.01	OJI-CV 417.01
331.03	OJI-CV 417.03
331.05	OJI-CV 417.05
331.07	OJI-CV 417.07
331.09	OJI-CV 417.09
331.11	OJI-CV 417.11
331.13	OJI-CV 417.13
331.15	OJI-CV 417.15
331.17	OJI-CV 417.17
331.19	OJI-CV 417.19
333.01	OJI-CV 421.01
333.03	OJI-CV 421.03
333.05	OJI-CV 421.05
333.07	REMOVED

Previous Instruction Number	New Edition Instruction Number
345.01	OJI-CV 621.01
345.03	OJI-CV 621.03
345.05	OJI-CV 621.05
345.07	OJI-CV 621.07
345.09	OJI-CV 621.09
345.11	OJI-CV 621.11
345.13	OJI-CV 621.13
348.01	OJI-CV 705.01
348.03(A)	OJI-CV 705.03
348.03(B)	OJI-CV 705.05
348.07	OJI-CV 705.07
348.09	OJI-CV 705.09
348.11	OJI-CV 705.11
348.13	OJI-CV 705.13
348.15	OJI-CV 705.15
349.01	OJI-CV 433.01
349.03	OJI-CV 433.03
349.05	OJI-CV 433.05
349.07	OJI-CV 433.07
349.09	OJI-CV 433.09
349.11	OJI-CV 433.11
349.13	OJI-CV 433.13
351.01	OJI-CV 451.01
351.03	OJI-CV 451.03
351.05	OJI-CV 451.05
351.07	OJI-CV 451.07
351.09	OJI-CV 451.09
351.11	OJI-CV 451.11
351.13	OJI-CV 451.13
351.15	OJI-CV 451.15
351.17	OJI-CV 451.17
351.19	OJI-CV 451.19
351.21	OJI-CV 451.21
351.23	OJI-CV 451.23
354.01	OJI-CV 601.01
354.03	OJI-CV 601.03
354.05	OJI-CV 601.05
354.07	OJI-CV 601.07
354.09	OJI-CV 601.09
355.01	OJI-CV 443.01
356.01	OJI-CV 445.01
356.03	OJI-CV 445.03
356.05	OJI-CV 445.05
356.07	OJI-CV 445.07



Previous Instruction Number	New Edition Instruction Number
356.09	OJI-CV 445.09
356.11	OJI-CV 445.11
356.13	OJI-CV 445.13
356.15	OJI-CV 445.15
356.17	OJI-CV 445.17
356.19	OJI-CV 445.19
356.21	OJI-CV 445.21
356.23	OJI-CV 445.23
356.25	OJI-CV 445.25
359.01	OJI-CV 513.01
359.03	OJI-CV 513.03
359.05	OJI-CV 513.05
359.07	OJI-CV 513.07
359.09	OJI-CV 513.09
362.01	OJI-CV 505.01
362.03	OJI-CV 505.03
362.05	OJI-CV 505.05
362.07	OJI-CV 505.07
362.09	OJI-CV 505.09
362.11	OJI-CV 505.11
362.13	OJI-CV 505.13
362.15	OJI-CV 505.15
362.17	OJI-CV 505.17
362.19	OJI-CV 505.19
362.21	OJI-CV 505.21
362.23	OJI-CV 505.23
362.25	OJI-CV 505.25
362.27	OJI-CV 505.27
362.29	OJI-CV 505.29
362.31	OJI-CV 505.31
362.33	OJI-CV 505.33
362.35	OJI-CV 505.35
362.37	OJI-CV 505.37
362.39	OJI-CV 505.39
362.41	OJI-CV 505.41
362.43	OJI-CV 505.43
362.45	OJI-CV 505.45
362.47	OJI-CV 505.47
362.49	OJI-CV 505.49
362.51	OJI-CV 505.51
362.53	OJI-CV 505.53
363.01	OJI-CV 633.01
363.03	OJI-CV 633.03
363.05	OJI-CV 633.05

Previous Instruction Number	New Edition Instruction Number
363.07	OJI-CV 633.07
363.09	OJI-CV 633.09
363.13	OJI-CV 633.11
365.01	OJI-CV 427.01
365.03	OJI-CV 427.03
365.05	OJI-CV 427.05
365.07	OJI-CV 427.07
365.09	OJI-CV 427.09
365.11	OJI-CV 427.11
365.13	OJI-CV 427.13
365.15	OJI-CV 427.15
365.17	OJI-CV 427.17
365.19	OJI-CV 427.19
369.01	OJI-CV 517.01
369.03	OJI-CV 517.03
369.05	OJI-CV 517.05
369.07	OJI-CV 517.07
369.09	OJI-CV 517.09
369.11	OJI-CV 517.11
369.13	OJI-CV 517.13
369.15	OJI-CV 517.15
369.17	OJI-CV 517.17



## CRIMINAL INSTRUCTIONS CORRELATION TABLE

Previous Instruction Number	New Edition Instruction Number
1.01	OJI-CR 101.01
1.03	OJI-CR 101.03
1.05	OJI-CR 101.05
1.07	OJI-CR 101.07
1.09	OJI-CR 101.09
1.11	OJI-CR 101.11
1.13	OJI-CR 101.13
1.15	OJI-CR 101.15
1.17	OJI-CR 101.17
1.19	OJI-CR 101.19
1.21	OJI-CR 101.21
1.23	OJI-CR 101.23
1.25	OJI-CR 101.25
1.27	OJI-CR 101.27
1.29	OJI-CR 101.29
1.31	OJI-CR 101.31
1.33	OJI-CR 101.33
1.35	OJI-CR 101.35
1.37	OJI-CR 101.37
1.39	OJI-CR 101.39
1.41	OJI-CR 101.41
1.43	OJI-CR 101.43
1.45	OJI-CR 101.45
1.47	OJI-CR 101.47
1.49	OJI-CR 101.49
1.51	OJI-CR 101.51
1.53	OJI-CR 101.53
1.55	OJI-CR 101.55
1.57	OJI-CR 101.57
1.59	OJI-CR 101.59
1.61	OJI-CR 101.61
1.63	OJI-CR 101.63
1.65	OJI-CR 101.65
1.67	OJI-CR 101.67
1.69	OJI-CR 101.69
1.71	OJI-CR 101.71
1.73	OJI-CR 101.73
1.75	OJI-CR 101.75
1.77	OJI-CR 101.77
1.79	OJI-CR 101.79
1.81	OJI-CR 101.81
1.83	OJI-CR 101.83

Previous Instruction Number	New Edition Instruction Number
1.85	OJI-CR 101.85
1.87	OJI-CR 101.87
401.01	OJI-CR 301.01
401.02	OJI-CR 301.03
401.03	OJI-CR 301.05
401.04	OJI-CR 301.07
402.10	OJI-CR 401.01
402.11	OJI-CR 401.03
402.12	OJI-CR 401.05
402.20	OJI-CR 401.07
402.21	OJI-CR 401.09
402.25	OJI-CR 401.11
402.30	OJI-CR 401.13
402.50	OJI-CR 401.15
402.51	OJI-CR 401.17
402.52	OJI-CR 401.19
402.53	OJI-CR 401.21
402.60	OJI-CR 401.23
402.61	OJI-CR 401.25
402.99	OJI-CR 401.27
403.01	OJI-CR 405.01
403.03	OJI-CR 405.03
403.10	OJI-CR 405.05
403.50	OJI-CR 405.07
403.55	OJI-CR 405.09
405.01	OJI-CR 409.01
405.10	OJI-CR 409.03
405.20	OJI-CR 409.05
405.21	OJI-CR 409.07
405.22	OJI-CR 409.11
405.25	OJI-CR 409.13
405.40	OJI-CR 409.15
405.41	OJI-CR 409.17
405.50	OJI-CR 409.19
405.51	OJI-CR 409.21
405.52	OJI-CR 409.23
405.60	OJI-CR 409.25
405.63	OJI-CR 409.27
405.64	OJI-CR 409.29
405.65	OJI-CR 409.31
405.91	OJI-CR 409.33
407.01	OJI-CR 413.01
407.03	OJI-CR 413.03
407.05	OJI-CR 413.05



Previous Instruction Number	New Edition Instruction Number
407.10	OJI-CR 413.07
409.01	OJI-CR 417.01
409.02	OJI-CR 417.03
409.03	OJI-CR 417.05
409.05	OJI-CR 417.07
409.07	OJI-CR 417.09
409.11	OJI-CR 417.11
409.13	OJI-CR 417.13
409.15	OJI-CR 417.15
409.21	OJI-CR 417.17
409.31	OJI-CR 417.19
409.50	OJI-CR 417.21
409.55	OJI-CR 417.23
409.56	OJI-CR 417.25
409.57	OJI-CR 417.27
409.60	OJI-CR 417.29
409.65	OJI-CR 417.31
409.67	OJI-CR 417.33
411.01	OJI-CR 421.01
411.03	OJI-CR 421.03
411.05	OJI-CR 421.05
411.07	OJI-CR 421.07
411.10 (offenses committed before 10/27/00)	OJI-CR 421.09 (offenses committed before 10/27/00)
411.10 (offenses committed on and after 10/27/00)	OJI-CR 421.09 (offenses committed on and after 10/27/00)
411.11 (offenses committed before 10/27/00)	OJI-CR 421.11 (offenses committed before 10/27/00)
411.11 (offenses committed on and after 10/27/00)	OJI-CR 421.11 (offenses committed on and after 10/27/00)
411.19	OJI-CR 421.13
411.20	OJI-CR 421.15
411.25	OJI-CR 421.17
411.31	OJI-CR 421.19
411.33	OJI-CR 421.21
411.35	OJI-CR 421.23
411.51	OJI-CR 421.25
411.53	OJI-CR 421.27
411.55	OJI-CR 421.29
413.01	OJI-CR 425.01
413.05	OJI-CR 425.03
413.10	OJI-CR 425.05
413.11	OJI-CR 425.07
413.21	OJI-CR 425.09



Previous Instruction Number	New Edition Instruction Number
413.23	OJI-CR 425.11
413.30	OJI-CR 425.13
413.35	OJI-CR 425.15
413.37	OJI-CR 425.17
413.38	OJI-CR 425.19
413.39	OJI-CR 425.21
413.40	OJI-CR 425.23
413.43	OJI-CR 425.25
413.45	OJI-CR 425.27
413.47	OJI-CR 425.29
413.49	OJI-CR 425.31
413.50	OJI-CR 425.33
413.60	OJI-CR 425.35
413.70	OJI-CR 425.37
413.80	OJI-CR 425.39
413.81	OJI-CR 425.41
413.90	OJI-CR 425.43
415.01	OJI-CR 429.01
415.03	OJI-CR 429.03
415.05	OJI-CR 429.05
415.10	OJI-CR 429.07
415.50	OJI-CR 429.09
415.75	OJI-CR 429.11
415.90	OJI-CR 429.13
503.01	OJI-CR 503.01
503.011	OJI-CR 503.011
503.02 (offenses committed on and after 9/6/96 but before 6/30/98)	OJI-CR 503.02 (offenses committed on and after 9/6/96 but before 6/30/98)
503.02 (offenses committed on and after 6/30/98)	OJI-CR 503.02 (offenses committed on and after 6/30/98)
503.03 (offenses committed on and after 9/6/96)	OJI-CR 503.03 (offenses committed on and after 9/6/96)
503.04 (offenses committed on and after 9/6/96 but before 3/23/00)	OJI-CR 503.04 (offenses committed on and after 9/6/96 but before 3/23/00)
503.04 (offenses committed on and after 3/23/00)	OJI-CR 503.04 (offenses committed on and after 3/23/00)
503.041	OJI-CR 503.041
503.05	OJI-CR 503.05
503.06 (offenses committed before 3/23/00)	OJI-CR 503.06 (offenses committed before 3/23/00)
503.06 (offenses committed on and after 3/23/00)	OJI-CR 503.06 (offenses committed on and after 3/23/00)
503.07 (offenses committed on and after 9/6/96) [section repealed 3/23/00]	OJI-CR 503.07 (offenses committed on and after 9/6/96)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
503.08 (offenses committed on and after 9/6/96 but before 3/23/00)	OJI-CR 503.08 (offenses committed on and after 9/6/96 but before 3/23/00)
503.08 (offenses committed on and after 3/23/00)	OJI-CR 503.08 (offenses committed on and after 3/23/00))
503.11(A) (offenses committed on and after 9/6/96) [Rev. 2-24-07]	OJI-CR 503.11(A) (offenses committed on and after 9/6/96)
503.11(B) (offenses committed on and after 3/23/00) [Rev. 1-20-07]	OJI-CR 503.11(B) (offenses committed on and after 3/23/00)
503.12	OJI-CR 503.12
503.13	OJI-CR 503.13
503.14 (offenses committed on and after 9/6/96)	OJI-CR 503.14 (offenses committed on and after 9/6/96)
503.15 (offenses committed on and after 8/25/99)	OJI-CR 503.15 (offenses committed on and after 8/25/99)
503.16	OJI-CR 503.16
503.21 (offenses committed on and after 9/6/96)	OJI-CR 503.21 (offenses committed on and after 9/6/96)
503.22 (offenses committed on and after 9/6/96)	OJI-CR 503.22 (offenses committed on and after 9/6/96)
503.31	OJI-CR 503.31
503.34	OJI-CR 503.34
503.35	OJI-CR 503.35
503.211 (offenses committed before 3/10/00)	OJI-CR 503.211 (offenses committed before 3/10/00)
503.211 (offenses committed on and after 3/10/00)	OJI-CR 503.211 (offenses committed on and after 3/ 10/00 but before 1/1/08) OJI-CR 503.211 (offenses committed on and after 1/1/ 08)
503.214	OJI-CR 503.214
505.01(A) (offenses committed before 7/1/96)	OJI-CR 505.01(A) (offenses committed before 7/1/96)
505.01(A) (offenses committed on and after 7/1/96) [Rev. 1-20-07]	OJI-CR 505.01(A) (offenses committed on and after 7/1/96)
505.01(B) (offenses committed before 7/1/96)	OJI-CR 505.01(B) (offenses committed before 7/1/96)
505.01(B) (offenses committed on and after 7/1/96)	OJI-CR 505.01(B) (offenses committed on and after 7/1/96)
505.02 (offenses committed before 7/1/96)	OJI-CR 505.02 (offenses committed before 7/1/96)
505.02 (offenses committed on and after 7/1/96)	OJI-CR 505.02 (offenses committed on and after 7/1/96)
505.03	OJI-CR 505.03
505.04 (offenses committed before 7/1/96)	OJI-CR 505.04 (offenses committed before 7/1/96)
505.05 (offenses committed before 7/1/96)	OJI-CR 505.05
505.05	OJI-CR 505.05



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
505.11 (offenses committed before 7/1/96)	OJI-CR 505.11 (offenses committed before 7/1/96)
505.11 (offenses committed on and after 7/1/96)	OJI-CR 505.11 (offenses committed on and after 7/1/96)
505.12	OJI-CR 505.12
505.22 (offenses committed before 7/1/96)	OJI-CR 505.22 (offenses committed before 7/1/96)
505.22 (offenses committed on and after 7/1/96)	OJI-CR 505.22 (offenses committed on and after 7/1/96)
507.02(A)(1) (offenses committed before 7/1/96)	OJI-CR 507.02(A)(1) (offenses committed before 7/1/96)
507.02(A)(1) (offenses committed on and after 7/1/96 but before 3/10/98)	OJI-CR 507.02(A)(1) (offenses committed on and after 7/1/96 but before 3/10/98)
507.02(A)(1) (offenses committed on and after 3/10/98)	OJI-CR 507.02(A)(1) (offenses committed on and after 3/10/98)
507.02(A)(2) (offenses committed before 7/1/96)	OJI-CR 507.02(A)(2) (offenses committed before 7/1/96)
507.02(A)(2) (offenses committed on and after 7/1/96)	OJI-CR 507.02(A)(2) (offenses committed on and after 7/1/96)
507.03 (offenses committed before 7/1/96)	OJI-CR 507.03 (offenses committed before 7/1/96)
507.03 (offenses committed on and after 7/1/96)	OJI-CR 507.03 (offenses committed on and after 7/1/96)
507.04 (offenses committed before 7/1/96)	OJI-CR 507.04 (offenses committed before 7/1/96)
507.04 (offenses committed on and after 7/1/96)	OJI-CR 507.04 (offenses committed on and after 7/1/96)
507.05 (offenses committed before 7/1/96)	OJI-CR 507.05 (offenses committed before 7/1/96)
507.05 (offenses committed on and after 7/1/96 but before 3/10/98)	OJI-CR 507.05 (offenses committed on and after 7/1/96 but before 3/10/98)
507.05 (offenses committed on and after 3/10/98)	OJI-CR 507.05 (offenses committed on and after 3/10/98)
507.06 (offenses committed before 7/1/96)	OJI-CR 507.06 (offenses committed before 7/1/96)
507.06 (offenses committed on and after 7/1/96)	OJI-CR 507.06 (offenses committed on and after 7/1/96)
507.07 (offenses committed before 3/22/01)	OJI-CR 507.07 (offenses committed before 3/22/01)
507.07 (offenses committed on and after 3/22/01 but before 5/7/02)	OJI-CR 507.07 (offenses committed on and after 3/22/01 but before 5/7/02)
507.07 (offenses committed on and after 5/7/02 but before 7/31/03)	OJI-CR 507.07 (offenses committed on and after 5/7/02 but before 7/31/03)
507.07 (offenses committed on and after 7/31/03)	OJI-CR 507.07 (offenses committed on and after 7/31/03)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
507.08 (offenses committed before 1/30/98)	OJI-CR 507.08 (offenses committed before 1/30/98)
507.08 (offenses committed on and after 1/30/98)	OJI-CR 507.08 (offenses committed on and after 1/30/98)
507.09 (offenses committed before 9/26/05)	OJI-CR 507.09 (offenses committed before 9/26/05)
507.09 (offenses committed on and after 9/26/05)	OJI-CR 507.09 (offenses committed on and after 9/26/05)
507.12(A)(1) (offenses committed before 9/3/96)	OJI-CR 507.12(A)(1) (offenses committed before 9/3/96)
507.12(A)(2) (offenses committed before 9/3/96)	OJI-CR 507.12(A)(2) (offenses committed before 9/3/96)
507.21 (offenses committed before 7/1/96)	OJI-CR 507.21 (offenses committed before 7/1/96)
507.21 (offenses committed on and after 7/1/96)	OJI-CR 507.21 (offenses committed on and after 7/1/96)
507.22 (offenses committed before 7/1/96)	OJI-CR 507.22 (offenses committed before 7/1/96)
507.22 (offenses committed on and after 7/1/96)	OJI-CR 507.22 (offenses committed on and after 7/1/96)
507.23	OJI-CR 507.23
507.24	OJI-CR 507.24
507.25 (offenses committed before 7/1/96)	OJI-CR 507.25 (offenses committed before 7/1/96)
507.31 (offenses committed before 7/1/96)	OJI-CR 507.31 (offenses committed before 7/1/96)
507.31 (offenses committed on and after 7/1/96 but before 1/1/04)	OJI-CR 507.31 (offenses committed on and after 7/1/96 but before 1/1/04)
507.31 (offenses committed on and after 1/1/04)	OJI-CR 507.31 (offenses committed on and after 1/1/04)
507.32	OJI-CR 507.32
507.33	OJI-CR 507.33
507.34(A) (offenses committed before 7/1/96)	OJI-CR 507.34(A) (offenses committed before 7/1/96)
507.34(A) (offenses committed on and after 7/1/96)	OJI-CR 507.34(A) (offenses committed on and after 7/1/96)
507.34(B) (offenses committed before 7/1/96)	OJI-CR 507.34(B) (offenses committed before 7/1/96)
507.34(B) (offenses committed on and after 7/1/96)	OJI-CR 507.34(B) (offenses committed on and after 7/1/96)
507.42 (offenses committed before 7/1/96)	OJI-CR 507.42 (offenses committed before 7/1/96)
507.42 (offenses committed on and after 7/1/96)	OJI-CR 507.42 (offenses committed on and after 7/1/96)
507.53(A)	OJI-CR 507.53(A)
507.53(B)	OJI-CR 507.53(B)
507.53(C)	OJI-CR 507.53(C)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
507.71 (offenses committed on and after 1/1/97)	OJI-CR 507.71 (offenses committed on and after 1/1/97)
507.72 (offenses committed on and after 1/1/97)	OJI-CR 507.72 (offenses committed on and after 1/1/97)
507.241 (offenses committed before 7/1/96)	OJI-CR 507.241 (offenses committed before 7/1/96)
507.241 (offenses committed on and after 7/1/96)	OJI-CR 507.241 (offenses committed on and after 7/1/96)
507.311	OJI-CR 507.311
507.321 (offenses committed before 7/1/96)	OJI-CR 507.321 (offenses committed before 7/1/96)
507.321 (offenses committed on and after 7/1/96)	OJI-CR 507.321 (offenses committed on and after 7/1/96)
507.322 (offenses committed before 7/1/96)	OJI-CR 507.322 (offenses committed before 7/1/96)
507.322 (offenses committed on and after 7/1/96)	OJI-CR 507.322 (offenses committed on and after 7/1/96)
507.323 (offenses committed before 7/1/96)	OJI-CR 507.323 (offenses committed before 7/1/96)
507.323 (offenses committed on and after 7/1/96)	OJI-CR 507.323 (offenses committed on and after 7/1/96)
509.02 (offenses committed before 7/1/96)	OJI-CR 509.02 (offenses committed before 7/1/96)
509.02 (offenses committed on and after 7/1/96)	OJI-CR 509.02 (offenses committed on and after 7/1/96)
509.03 (offenses committed before 7/1/96)	OJI-CR 509.03 (offenses committed before 7/1/96)
509.03 (offenses committed on and after 7/1/96)	OJI-CR 509.03 (offenses committed on and after 7/1/96)
509.04 (offenses committed before 7/1/96)	OJI-CR 509.04 (offenses committed before 7/1/96)
509.04 (offenses committed on and after 7/1/96)	OJI-CR 509.04 (offenses committed on and after 7/1/96)
509.05(A) (offenses committed before 7/1/96)	OJI-CR 509.05(A) (offenses committed before 7/1/96)
509.05(A) (offenses committed on and after 7/1/96 but before 9/30/98)	OJI-CR 509.05(A) (offenses committed on and after 7/1/96 but before 9/30/98)
509.05(A) (offenses committed on and after 9/30/98)	OJI-CR 509.05(A) (offenses committed on and after 9/30/98)
509.05(B) (offenses committed before 7/1/96)	OJI-CR 509.05(B) (offenses committed before 7/1/96)
509.05(B) (offenses committed on and after 7/1/96 but before 9/30/98)	OJI-CR 509.05(B) (offenses committed on and after 7/1/96 but before 9/30/98)
509.05(B) (offenses committed on and after 9/30/98)	OJI-CR 509.05(B) (offenses committed on and after 9/30/98)
509.05(C) (offenses committed before 7/1/96)	OJI-CR 509.05(C) (offenses committed before 7/1/96)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
509.05(C) (offenses committed on and after 7/1/96 but before 9/30/98)	OJI-CR 509.05(C) (offenses committed on and after 7/1/96 but before 9/30/98)
509.05(C) (offenses committed on and after 9/30/98)	OJI-CR 509.05(C) (offenses committed on and after 9/30/98)
509.05(D) (offenses committed before 7/1/96)	OJI-CR 509.05(D) (offenses committed before 7/1/96)
509.05(D) (offenses committed on and after 7/1/96)	OJI-CR 509.05(D) (offenses committed on and after 7/1/96)
509.06 (offenses committed before 7/1/96)	OJI-CR 509.06 (offenses committed before 7/1/96)
509.06 (offenses committed on and after 7/1/96)	OJI-CR 509.06 (offenses committed on and after 7/1/96)
509.07 (offenses committed before 7/1/96)	OJI-CR 509.07 (offenses committed before 7/1/96)
509.07 (offenses committed on and after 7/1/96)	OJI-CR 509.07 (offenses committed on and after 7/1/96)
509.08 (offenses committed before 7/1/96)	OJI-CR 509.08 (offenses committed before 7/1/96)
509.08 (offenses committed on or after 7/1/96)	OJI-CR 509.08 (offenses committed on or after 7/1/96)
509.22	OJI-CR 509.22
509.23	OJI-CR 509.23
509.24	OJI-CR 509.24
511.01(A)	OJI-CR 511.01(A)
511.01(B)	OJI-CR 511.01(B)
511.02	OJI-CR 511.02
511.11	OJI-CR 511.11
511.12	OJI-CR 511.12
511.13(A)	OJI-CR 511.13(A)
511.13(B)	OJI-CR 511.13(B)
511.21	OJI-CR 511.21
511.23	OJI-CR 511.23
511.31	OJI-CR 511.31
511.32	OJI-CR 511.32
511.211	OJI-CR 511.211
513.02 (offenses committed before 7/1/96)	OJI-CR 513.02 (offenses committed before 7/1/96)
513.02 (offenses committed on and after 7/1/96)	OJI-CR 513.02 (offenses committed on and after 7/1/96)
513.03 (offenses committed before 7/1/96)	OJI-CR 513.03 (offenses committed before 7/1/96)
513.03 (offenses committed on and after 7/1/96)	OJI-CR 513.03 (offenses committed on and after 7/1/96)
513.04 (offenses committed before 7/1/96)	OJI-CR 513.04 (offenses committed before 7/1/96)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
513.04 (offenses committed on and after 7/1/96)	OJI-CR 513.04 (offenses committed on and after 7/1/96)
513.041 (offenses committed on and after 7/1/96)	OJI-CR 513.041 (offenses committed on and after 7/1/96)
513.11 (offenses committed before 7/1/96)	OJI-CR 513.11 (offenses committed before 7/1/96)
513.11 (offenses committed on and after 7/1/96)	OJI-CR 513.11 (offenses committed on and after 7/1/96)
513.21 (offenses committed before 7/1/96)	OJI-CR 513.21 (offenses committed before 7/1/96)
513.21 (offenses committed on and after 7/1/96)	OJI-CR 513.21 (offenses committed on and after 7/1/96)
513.31(A) (offenses committed before 7/1/96)	OJI-CR 513.31(A) (offenses committed before 7/1/96)
513.31(A) (offenses committed on and after 7/1/96)	OJI-CR 513.31(A)(offenses committed on and after 7/1/96)
513.31(B)	OJI-CR 513.31(B)
513.32 (offenses committed before 7/1/96)	OJI-CR 513.32 (offenses committed before 7/1/96)
513.32 (offenses committed on and after 7/1/96)	OJI-CR 513.32 (offenses committed on and after 7/1/96)
513.33 (offenses committed on and after 3/31/97)	OJI-CR 513.33 (offenses committed on and after 3/31/97)
513.34 (offenses committed on and after 3/31/97)	OJI-CR 513.34 (offenses committed on and after 3/31/97)
513.40	OJI-CR 513.40
513.41 (offenses committed before 7/1/96)	OJI-CR 513.41 (offenses committed before 7/1/96)
513.42 (offenses committed before 7/1/96)	OJI-CR 513.42 (offenses committed before 7/1/96)
513.42 (offenses committed on and after 7/1/96)	OJI-CR 513.42 (offenses committed on and after 7/1/96)
513.43 (offenses committed before 7/1/96)	OJI-CR 513.43 (offenses committed before 7/1/96)
513.43 (offenses committed on and after 7/1/96)	OJI-CR 513.43 (offenses committed on and after 7/1/96)
513.44	OJI-CR 513.44
513.45 (offenses committed before 7/1/96)	OJI-CR 513.45 (offenses committed before 7/1/96)
513.45 (offenses committed on and after 7/1/96)	OJI-CR 513.45 (offenses committed on and after 7/1/96)
513.46(A) (offenses committed before 10/29/95)	OJI-CR 513.46(A)(offenses committed before 10/29/95)
513.46(B) (offenses committed before 10/29/95)	OJI-CR 513.46(B) (offenses committed before 10/29/95)
513.46(B) (offenses committed on and after 9/26/96)	OJI-CR 513.46(B) (offenses committed on and after 9/26/96)



Previous Instruction Number	New Edition Instruction Number
513.46(C) (offenses committed on and after 9/26/96)	OJI-CR 513.46(C) (offenses committed on and after 9/26/96)
513.47 (offenses committed before 7/1/96)	OJI-CR 513.47 (offenses committed before 7/1/96)
513.47 (offenses committed on and after 7/1/96)	OJI-CR 513.47 (offenses committed on and after 7/1/96)
513.48 (offenses committed before 7/1/96)	OJI-CR 513.48 (offenses committed before 7/1/96)
513.48 (offenses committed on and after 7/1/96)	OJI-CR 513.48 (offenses committed on and after 7/1/96)
513.51 (offenses committed before 7/1/96)	OJI-CR 513.51 (offenses committed before 7/1/96)
513.51 (offenses committed on or after 7/1/96)	OJI-CR 513.51 (offenses committed on or after 7/1/96)
513.81 (offenses committed before 7/1/96)	OJI-CR 513.81 (offenses committed before 7/1/96)
513.401	OJI-CR 513.401
515.02	OJI-CR 515.02
515.03	OJI-CR 515.03
515.04	OJI-CR 515.04
515.05	OJI-CR 515.05
515.05(A) (offenses committed before 7/1/96)	OJI-CR 515.05(A) (offenses committed before 7/1/96)
515.05(B) (offenses committed on and after 7/1/96)	OJI-CR 515.05(B) (offenses committed on and after 7/1/96)
515.06 (offenses committed before 7/1/96)	OJI-CR 515.06 (offenses committed before 7/1/96)
515.07	OJI-CR 515.07
515.09	OJI-CR 515.09
515.10(A)	OJI-CR 515.10(A)
515.10(C)	OJI-CR 515.10(C)
515.11	OJI-CR 515.11
515.12 (offenses committed before 7/1/96)	OJI-CR 515.12 (offenses committed before 7/1/96)
517.01	OJI-CR 517.01
517.02(A)	OJI-CR 517.02(A)
517.02(B)	OJI-CR 517.02(B)
517.03	OJI-CR 517.03
517.11(A)	OJI-CR 517.11(A)
517.11(B)	OJI-CR 517.11(B)
517.12	OJI-CR 517.12
517.13	OJI-CR 517.13
517.21(A)	OJI-CR 517.21(A)
517.21(B)	OJI-CR 517.21(B)
517.31	OJI-CR 517.31
517.32	OJI-CR 517.32



Previous Instruction Number	New Edition Instruction Number
517.40	OJI-CR 517.40
517.41	OJI-CR 517.41
517.47	OJI-CR 517.47
519.01	OJI-CR 519.01
519.12(A)	OJI-CR 519.12(A)
519.12(B)	OJI-CR 519.12(B)
519.13(A)	OJI-CR 519.13(A)
519.13(B)	OJI-CR 519.13(B)
519.14	OJI-CR 519.14
519.21(A)	OJI-CR 519.21(A)
519.21(B)	OJI-CR 519.21(B)
519.22	OJI-CR 519.22
519.23(A)	OJI-CR 519.23(A)
519.23(B)	OJI-CR 519.23(B)
519.24	OJI-CR 519.24
519.24(A)(3) (offenses committed on and after 1/1/02)	OJI-CR 519.24(A)(3) (offenses committed on and after 1/1/02)
519.25	OJI-CR 519.25
519.27	OJI-CR 519.27
519.231	OJI-CR 519.231
521.02	OJI-CR 521.02
521.03 (offenses committed before 9/3/96)	OJI-CR 521.03 (offenses committed before 9/3/96)
521.03 (offenses committed on and after 9/3/96 and before 11/6/96)	OJI-CR 521.03 (offenses committed on and after 9/3/96 and before 11/6/96)
521.03 (offenses committed on and after 11/6/96)	OJI-CR 521.03 (offenses committed on and after 11/6/96)
521.04 (offenses committed before 9/3/96)	OJI-CR 521.04 (offenses committed before 9/3/96)
521.04 (offenses committed on and after 9/3/96)	OJI-CR 521.04 (offenses committed on and after 9/3/96)
521.05	OJI-CR 521.05
521.11	OJI-CR 521.11
521.12	OJI-CR 521.12
521.13 (offenses committed before 7/1/96)	OJI-CR 521.13 (offenses committed before 7/1/96)
521.13 (offenses committed on and after 7/1/96 and before 10/1/97)	OJI-CR 521.13 (offenses committed on and after 7/1/96 and before 10/1/97)
521.13 (offenses committed on and after 10/1/97)	OJI-CR 521.13 (offenses committed on and after 10/1/97)
521.14	OJI-CR 521.14
521.21	OJI-CR 521.21
521.22(A)	OJI-CR 521.22(A)
521.22(B)	OJI-CR 521.22(B)
521.22(C)	OJI-CR 521.22(C)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
521.22(D) (offenses committed before 3/18/97)	OJI-CR 521.22(D) (offenses committed before 3/18/97)
521.22(D) (offenses committed on and after 3/18/97)	OJI-CR 521.22(D) (offenses committed on and after 3/18/97)
521.22(E)	OJI-CR 521.22(E)
521.24	OJI-CR 521.24
521.31	OJI-CR 521.31
521.32 (offenses committed before 7/1/96)	OJI-CR 521.32 (offenses committed before 7/1/96)
521.32 (offenses committed on and after 7/1/96 and before 12/31/97)	OJI-CR 521.32 (offenses committed on and after 7/1/96 and before 12/31/97)
521.32 (offenses committed on and after 12/31/97)	OJI-CR 521.32 (offenses committed on and after 12/31/97)
521.321	OJI-CR 521.321
521.33 (offenses committed before 7/1/96)	OJI-CR 521.33 (offenses committed before 7/1/96)
521.33 (offenses committed on and after 7/1/96 but before 9/16/97)	OJI-CR 521.33 (offenses committed on and after 7/1/96 but before 9/16/97)
521.33 (offenses committed on and after 9/16/97)	OJI-CR 521.33 (offenses committed on and after 9/16/97)
521.34(A)(1)	OJI-CR 521.34(A)(1)
521.34(A)(2) (offense committed by sexually violent predator on and after 1/1/97)	OJI-CR 521.34(A)(2) (offense committed by sexually violent predator on and after 1/1/97)
521.35(A)	OJI-CR 521.35(A)
521.35(B)	OJI-CR 521.35(B)
521.36	OJI-CR 521.36
521.38	OJI-CR 521.38 (offenses committed on and after 6/11/97 but before 4/4/07) OJI-CR 521.38 (offenses committed on and after 4/4/07)
521.41	OJI-CR 521.41
521.42	OJI-CR 521.42
521.43(A)	OJI-CR 521.43(A)
521.43(B)	OJI-CR 521.43(B)
521.43(C)	OJI-CR 521.43(C)
521.44(A)	OJI-CR 521.44(A)
521.44(B)	OJI-CR 521.44(B)
521.44(C)	OJI-CR 521.44(C)
521.44(D)	OJI-CR 521.44(D)
521.44(E)	OJI-CR 521.44(E)
521.45	OJI-CR 521.45
521.51(B)	OJI-CR 521.51(B)
521.51(C)	OJI-CR 521.51(C)
521.51(D)	OJI-CR 521.51(D)
521.51(E)	OJI-CR 521.51(E)



Previous Instruction Number	New Edition Instruction Number
521.52	OJI-CR 521.52
521.331	OJI-CR 521.331
523.01 (offenses committed before 7/1/96)	OJI-CR 523.01 (offenses committed before 7/1/96)
523.01 (offenses committed on and after 7/1/96)	OJI-CR 523.01 (offenses committed on and after 7/1/96)
523.02 (offenses committed before 7/1/96)	OJI-CR 523.02 (offenses committed before 7/1/96)
523.02 (offenses committed on and after 7/1/96)	OJI-CR 523.02 (offenses committed on and after 7/1/96)
523.03 (offenses committed before 7/1/96)	OJI-CR 523.03 (offenses committed before 7/1/96)
523.03 (offenses committed on and after 7/1/96)	OJI-CR 523.03 (offenses committed on and after 7/1/96)
523.12	OJI-CR 523.12
523.13 (offenses committed before 7/1/96)	OJI-CR 523.13 (offenses committed before 7/1/96)
523.13(A) (offenses committed on and after 7/1/96)	OJI-CR 523.13(A) (offenses committed on and after 7/1/96)
523.13(B) (offenses committed on and after 7/1/96)	OJI-CR 523.13(B) (offenses committed on and after 7/1/96)
523.15	OJI-CR 523.15
523.16	OJI-CR 523.16
523.17 (offenses committed before 7/1/96)	OJI-CR 523.17 (offenses committed before 7/1/96)
523.17 (offenses committed on and after 7/1/96)	OJI-CR 523.17 (offenses committed on and after 7/1/96)
523.19	OJI-CR 523.19
523.20 (offenses committed before 7/1/96)	OJI-CR 523.20 (offenses committed before 7/1/96)
523.20 (offenses committed on and after 7/1/96)	OJI-CR 523.20 (offenses committed on and after 7/1/96)
523.21 (offenses committed before 11/9/95)	OJI-CR 523.21 (offenses committed before 11/9/95)
523.21 (offenses committed on and after 11/9/95 but before 7/1/96)	OJI-CR 523.21 (offenses committed on and after 11/9/95 but before 7/1/96)
523.21 (offenses committed on and after 7/1/96)	OJI-CR 523.21 (offenses committed on and after 7/1/96)
523.211(B)	OJI-CR 523.211(B)
523.24 (offenses committed before 7/1/96)	OJI-CR 523.24 (offenses committed before 7/1/96)
523.24 (offenses committed on and after 7/1/96)	OJI-CR 523.24 (offenses committed on and after 7/1/96)
523.32(A)(1)	OJI-CR 523.32(A)(1)
523.32(A)(2)	OJI-CR 523.32(A)(2)
523.32(A)(3)	OJI-CR 523.32(A)(3)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
523.42 (offenses committed on and after 1/1/99)	OJI-CR 523.42 (offenses committed on and after 1/1/99)
523.44	OJI-CR 523.44
523.121 (offenses committed before 7/1/96)	OJI-CR 523.121 (offenses committed before 7/1/96)
523.121 (offenses committed on and after 7/1/96)	OJI-CR 523.121 (offenses committed on and after 7/1/96)
523.122 (offenses committed before 7/1/96)	OJI-CR 523.122 (offenses committed before 7/1/96)
523.122 (offenses committed on and after 7/1/96 but before 3/18/97)	OJI-CR 523.122 (offenses committed on and after 7/1/96 but before 3/18/97)
523.122 (offenses committed on and after 3/18/97 but before 8/6/99)	OJI-CR 523.122 (offenses committed on and after 3/18/97 but before 8/6/99)
523.122 (offenses committed on and after 8/6/99)	OJI-CR 523.122 (offenses committed on and after 8/6/99)
523.123(A)	OJI-CR 523.123(A)
523.123(B)	OJI-CR 523.123(B)
523.131	OJI-CR 523.131
523.161 (offenses committed before 7/1/96)	OJI-CR 523.161 (offenses committed before 7/1/96)
523.161 (offenses committed on and after 7/1/96 but before 8/6/99)	OJI-CR 523.161 (offenses committed on and after 7/1/96 but before 8/6/99)
523.161 (offenses committed on and after 8/6/99)	OJI-CR 523.161 (offenses committed on and after 8/6/99)
525.02 (offenses committed before 7/1/96)	OJI-CR 525.02 (offenses committed before 7/1/96)
525.02 (offenses committed on and after 7/1/96 but before 7/22/98)	OJI-CR 525.02 (offenses committed on and after 7/1/96 but before 7/22/98)
525.02 (offenses committed on and after 7/22/98)	OJI-CR 525.02 (offenses committed on and after 7/22/98)
525.03 (offenses committed before 7/1/96)	OJI-CR 525.03 (offenses committed before 7/1/96)
525.03 (offenses committed on and after 7/1/96 but before 2/13/2001)	OJI-CR 525.03 (offenses committed on and after 7/1/96 but before 2/13/2001)
525.03 (offenses committed on and after 2/13/2001)	OJI-CR 525.03 (offenses committed on and after 2/13/2001)
525.04(offenses committed on and after 7/1/96 but before 8/7/2001)	OJI-CR 525.04 (offenses committed on and after 7/1/96 but before 8/7/2001)
525.04 (offenses committed on and after 7/1/96 but before 8/7/2001)	OJI-CR 525.04 (offenses committed on and after 7/1/96 but before 8/7/2001)
525.041	OJI-CR 525.041
525.05 (offenses committed before 3/23/2000)	OJI-CR 525.05 (offenses committed before 3/23/2000)
525.05 (offenses committed on and after 3/23/2000)	OJI-CR 525.05 (offenses committed on and after 3/23/2000)
525.06	OJI-CR 525.06
525.07	OJI-CR 525.07



Previous Instruction Number	New Edition Instruction Number
525.09(A) (offenses committed before 7/22/98)	OJI-CR 525.09(A) (offenses committed before 7/22/98)
525.09(A) (offenses committed on and after 7/22/98)	OJI-CR 525.09(A) (offenses committed on and after 7/22/98)
525.09(B)	OJI-CR 525.09(B)
525.11 (offenses committed before 7/1/96)	OJI-CR 525.11(offenses committed before 7/1/96)
525.11 (offenses committed on and after 7/1/96 but before 6/20/97)	OJI-CR 525.11 (offenses committed on and after 7/1/96 but before 6/20/97)
525.11 (offenses committed on and after 6/20/97)	OJI-CR 525.11 (offenses committed on and after 6/20/97)
525.12 (offenses committed before 7/1/96)	OJI-CR 525.12 (offenses committed before 7/1/96)
525.12 (offenses committed on and after 7/1/96)	OJI-CR 525.12 (offenses committed on and after 7/1/96)
525.13 (offenses committed before 7/1/96)	OJI-CR 525.13 (offenses committed before 7/1/96)
525.13 (offenses committed on and after 7/1/96)	OJI-CR 525.13 (offenses committed on and after 7/1/96)
525.14(C) (offenses committed before 7/1/96)	OJI-CR 525.14(C) (offenses committed before 7/1/96)
525.14(C) (offenses committed on and after 7/1/96)	OJI-CR 525.14(C) (offenses committed on and after 7/1/96)
525.22(offenses committed before 7/1/96)	OJI-CR 525.22 (offenses committed before 7/1/96)
525.22(offenses committed on and after 7/1/96)	OJI-CR 525.22(offenses committed on and after 7/1/96)
525.23 (offenses committed before 7/1/96)	OJI-CR 525.23 (offenses committed before 7/1/96)
525.23(offenses committed on and after 7/1/96 but before 7/22/98)	OJI-CR 525.23(offenses committed on and after 7/1/96 but before 7/22/98)
525.23(offenses committed on and after 7/22/98)	OJI-CR 525.23(offenses committed on and after 7/22/98)
525.24	OJI-CR 525.24
525.31(offenses committed before 7/1/96)	OJI-CR 525.31(offenses committed before 7/1/96)
525.31(offenses committed on and after 7/1/96)	OJI-CR 525.31(offenses committed on and after 7/1/96)
525.32 (offenses committed before 7/1/96)	OJI-CR 525.32 (offenses committed before 7/1/96)
525.32(offenses committed on and after 7/1/96 but before 1/1/97)	OJI-CR 525.32(offenses committed on and after 7/1/96 but before 1/1/97)
525.32(offenses committed on and after 1/1/97)	OJI-CR 525.32(offenses committed on and after 1/1/97)
525.33	OJI-CR 525.33
525.36 (offenses committed before 7/1/96)	OJI-CR 525.36 (offenses committed before 7/1/96)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
525.36 (offenses committed on and after 7/1/96)	OJI-CR 525.36 (offenses committed on and after 7/1/96)
525.37(offenses committed before 7/1/96)	OJI-CR 525.37(offenses committed before 7/1/96)
525.37 (offenses committed on and after 7/1/96)	OJI-CR 525.37 (offenses committed on and after 7/1/96)
525.42	OJI-CR 525.42
527.01	OJI-CR 527.01
527.02(B)(1)	OJI-CR 527.02(B)(1)
527.02(B)(2)	OJI-CR 527.02(B)(2)
527.02(B)(3) (offenses committed on and after 3/15/01)	OJI-CR 527.02(B)(3) (offenses committed on and after 3/15/01)
527.02(C)	OJI-CR 527.02(C)
527.03	OJI-CR 527.03
527.11	OJI-CR 527.11
527.12	OJI-CR 527.12
527.13	OJI-CR 527.13
527.21	OJI-CR 527.21
527.24(B)	OJI-CR 527.24(B)
527.24(C)	OJI-CR 527.24(C)
527.27(A) (offenses committed on and after 10/09/01)	OJI-CR 527.27(A) (offenses committed on and after 10/09/01)
527.27(B) (offenses committed on and after 10/09/01)	OJI-CR 527.27(B) (offenses committed on and after 10/09/01)
533.92	OJI-CR 533.92
547.11(A)(1)(offenses committed on and after 1/1/04)	OJI-CR 547.11(A)(1)(offenses committed on and after 1/1/04)
547.11(A)(2)-(6) (offenses committed on and after 1/1/04)	OJI-CR 547.11(A)(2)-(6) (offenses committed on and after 1/1/04)
547.11(B)(offenses committed on and after 1/1/04)	OJI-CR 547.11(B)(offenses committed on and after 1/1/04)
549.01(offenses committed on and after 1/1/04)	OJI-CR 709.01(offenses committed on and after 1/1/04)
549.02	OJI-CR 749.02
549.021	OJI-CR 749.021
549.03	OJI-CR 749.03
549.62(A)	OJI-CR 749.62(A)
549.62(B)	OJI-CR 749.62(B)
549.62(C)	OJI-CR 749.62(C)
549.62(D)	OJI-CR 749.62(D)
550.02 (offenses committed before 7/1/97)	OJI-CR 550.02 (offenses committed before 7/1/97)
550.04 (offenses committed on and after 7/1/97 but before 7/13/030)	OJI-CR 550.04 (offenses committed on and after 7/1/97 but before 7/13/030)
550.04 (offenses committed on and after 7/31/03)	OJI-CR 550.04 (offenses committed on and after 7/31/03)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
550.041 (offenses committed on and after 7/31/04)	OJI-CR 550.041 (offenses committed on and after 7/31/04)
550.05 (offenses committed before 7/1/97)	OJI-CR 550.05 (offenses committed before 7/1/97)
550.05 (offenses committed on and after 7/1/97 but before 7/31/03)	OJI-CR 550.05 (offenses committed on and after 7/1/97 but before 7/31/03)
550.05 (offenses committed on and after 7/31/03 but before 4/29/05)	OJI-CR 550.05 (offenses committed on and after 7/31/03 but before 4/29/05)
550.05 (offenses committed on and after 4/29/05)	OJI-CR 550.05 (offenses committed on and after 4/29/05)
550.06 (offenses committed on and after 7/1/97 but before 7/31/03)	OJI-CR 550.06 (offenses committed on and after 7/1/97 but before 7/31/03)
550.06 (offenses committed on and after 7/31/03)	OJI-CR 550.06 (offenses committed on and after 7/31/03)
551.01	OJI-CR 551.01
551.03	OJI-CR 551.03
551.05	OJI-CR 551.05
551.07	OJI-CR 551.07
551.09	OJI-CR 551.09
551.11	OJI-CR 551.11
555.03	OJI-CR 559.03
710.11(A)(offenses committed before 1/1/04)	OJI-CR 710.11(A)(offenses committed before 1/1/04)
710.11(A) (offenses committed on and after 1/1/04)	OJI-CR 710.11(A) (offenses committed on and after 1/1/04)
710.11(B)(offenses committed before 1/1/04)	OJI-CR 710.11(B)(offenses committed before 1/1/04)
710.11(B) (offenses committed on and after 1/1/04)	OJI-CR 710.11(B) (offenses committed on and after 1/1/04)
710.12(A)(1)(a)(offenses committed before 1/1/04)	OJI-CR 710.12(A)(1)(a)(offenses committed before 1/1/04)
710.12(A)(1)(a) (offenses committed on and after 6/1/04)	OJI-CR 710.12(A)(1)(a) (offenses committed on and after 6/1/04)
710.12(A)(1)(b) (offenses committed before 1/1/04)	OJI-CR 710.12(A)(1)(b) (offenses committed before 1/1/04)
710.12(A)(1)(b) (offenses committed on and after 1/1/04)	OJI-CR 710.12(A)(1)(b) (offenses committed on and after 1/1/04)
710.12(A)(2) (offenses committed before 1/1/04)	OJI-CR 710.12(A)(2) (offenses committed before 1/1/04)
710.12(A)(2)(offenses committed on and after 1/1/04)	OJI-CR 710.12(A)(2)(offenses committed on and after 1/1/04)
710.16(offenses committed before 1/1/04)	OJI-CR 710.16(offenses committed before 1/1/04)
710.16 (offenses committed before 1/1/04)	OJI-CR 710.16 (offenses committed before 1/1/04)
710.21 (offenses committed before 1/1/04)	OJI-CR 710.21 (offenses committed before 1/1/04)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
710.21(offenses committed on and after 1/1/04)	OJI-CR 710.21(offenses committed on and after 1/1/04)
711.19 (offenses committed before 1/1/04)	OJI-CR 711.19 (offenses committed before 1/1/04)
711.19 (offenses committed on and after 1/1/04 but before 6/1/04)	OJI-CR 711.19 (offenses committed on and after 1/1/04 but before 6/1/04)
711.19(offenses committed on and after 6/1/04)	OJI-CR 711.19(offenses committed on and after 6/1/04)
711.19(A) (offenses committed before 6/30/03)	OJI-CR 711.19(A) (offenses committed before 6/30/03)
711.19(A)(offenses committed on and after 6/30/03 but before 1/1/04)	OJI-CR 711.19(A)(offenses committed on and after 6/30/03 but before 1/1/04)
711.19(A)(offenses committed on and after 1/1/04 but before 6/1/04)	OJI-CR 711.19(A)(offenses committed on and after 1/1/04 but before 6/1/04)
711.19(A)(offenses committed on and after 6/1/04)	OJI-CR 711.19(A)(offenses committed on and after 6/1/04)
711.19(A)(1)(b)-(j) (offenses committed on and after 8/17/06)	711.19(A)(1)(b)-(j) (offenses committed on and after 8/17/06)
711.19(A)(2) (offenses committed on and after 9/23/04)	OJI-CR 711.19(A)(2) (offenses committed on and after 9/23/04)
711.19(B) (offenses committed before 6/30/03)	OJI-CR 711.19(B) (offenses committed before 6/30/03)
711.19(B) (offenses committed on and after 6/30/03 but before 1/1/04)	OJI-CR 711.19(B) (offenses committed on and after 6/30/03 but before 1/1/04)
711.19(B) (offenses committed on and after 1/1/04 but before 6/1/04)	OJI-CR 711.19(B) (offenses committed on and after 1/1/04 but before 6/1/04)
711.19(B)(offenses committed on and after 6/1/04)	OJI-CR 711.19(B)(offenses committed on and after 6/1/04)
711.194	OJI-CR 711.194
711.203 (offenses committed before 1/1/04)	OJI-CR 711.203 (offenses committed before 1/1/04)
711.203 (offenses committed on and after 1/1/04)	OJI-CR 711.203 (offenses committed on and after 1/1/04)





# Chapter CR 409

## EVIDENCE AND CREDIBILITY

- CR 409.01 Evidence and inference *[Rev. 8-17-11]*
- CR 409.03 Exclusion not evidence
- CR 409.05 Credibility *[Rev. 8-15-12]*
- CR 409.07 Defendant does (not) testify
- CR 409.09 Interrogation of defendant R.C. 2933.81 (offenses committed on and after 8/16/21) *[Rev. 8/4/21]*
- CR 409.11 Other acts and prior conviction Evid.R. 404(B) and 609
- CR 409.13 Consciousness of guilt (OPTIONAL) *[Rev. 8-17-2005]*
- CR 409.15 Several defendants
- CR 409.17 Testimony of accomplice R.C. 2923.01(H) and 2923.03(D)
- CR 409.19 Opinion of layman
- CR 409.21 Expert witness and hypothetical question
- CR 409.23 Polygraph examiner and stipulated polygraph
- CR 409.25 Exhibits *[Rev. 8/10/16]*
- CR 409.27 Depositions and transcripts Crim.R. 15
- CR 409.29 Cassette tapes
- CR 409.31 Videotape
- CR 409.33 Witnesses, acts
- CR 409.01 Evidence and inference *[Rev. 8-17-11]*

1. DEFINITION. Evidence is all the testimony received from the witnesses (including depositions) ([and] the exhibits admitted during the trial) (and any facts that the court requires you to accept as true).

2. VALUE OF EVIDENCE. You may consider both direct and circumstantial evidence. You must decide from all the direct and circumstantial evidence, taken together, whether the state has proven all of the elements of the charged offense(s) beyond a reasonable doubt.

### COMMENT

See *State v. Jenks* (1991), 61 Ohio St.3d 259.

3. DIRECT EVIDENCE. Direct evidence is the testimony given by a witness who has seen or heard the facts about which the witness testifies. It includes exhibits admitted into evidence during the trial and stipulations that you were instructed to accept as fact.

4. **CIRCUMSTANTIAL EVIDENCE.** Circumstantial evidence is the proof of facts or circumstances by direct evidence from which you may reasonably infer other related or connected facts that naturally and logically follow according to the common experience of people.

**COMMENT**

It is a practice of some judges to give an example of this rule as may be appropriate.

5. **INFERENCE.** To infer, or to make an inference, is to reach a reasonable (conclusion) (deduction) of fact that you may, but are not required to, make from other facts that you find have been established by direct evidence. You may (infer a fact or facts) (reach a reasonable conclusion about a fact or facts) only from other (facts) (circumstances) that have been proved by the greater weight of the evidence. Whether an inference is made rests entirely with you.

6. **STATEMENTS BY COUNSEL.** The evidence does not include any statement made by counsel during trial unless such statement was an admission or agreement of certain facts. The opening statements and closing arguments are not evidence. They are designed to assist you in evaluating that evidence.

7. **STATEMENTS STRICKEN BY THE COURT.** The evidence does not include any statements that were stricken by the Court or that you were instructed to disregard. You must not speculate why an objection was sustained to any question or what the answer to that question might have been because these are questions of law and rest solely with the Court.

**CR 409.03 Exclusion not evidence**

1. The evidence does not include the (indictment) (information) (complaint) (opening statements or closing arguments of counsel). The opening statements and closing arguments of counsel are designed to assist you. They are not evidence.

2. **EVIDENCE STRICKEN.** (Statements) (Answers) that were stricken by the court or which you were instructed to disregard are not evidence and must be treated as though you never heard them.

**COMMENT**

Questions or answers that violate defendant's constitutional rights are so prejudicial that an instruction to disregard is not sufficient. A new trial is required.

*(Text continued on page 73)*



16. FILLER. "Filler" means a (person) (photograph of a person) who is not suspected of an offense and is included in an identification procedure.

#### COMMENT

Drawn from R.C. 2933.83(A)(5).

17. INTERPRETERS AND TRANSLATORS. OJI-CR 401.29.

#### CR 409.07 Defendant does (not) testify

1. DEFENDANT TESTIFIES. The testimony of a defendant is to be weighed by the same rules that apply to other witnesses.

2. DEFENDANT DOES NOT TESTIFY. It is not necessary that the defendant take the witness stand in his own defense. He has a constitutional right not to testify. The fact that he (the defendant) did not testify must not be considered for any purpose.

#### COMMENT

An instruction similar to the above was approved in *State v. McRae* (1965), 4 Ohio App.2d 217, 33 O.O.2d 271, 211 N.E.2d 875. It is not recommended unless requested or unless one of several defendants fails to testify.

A court is not required to instruct the jury that a defendant's failure to testify does not create any presumption against him. *State v. Perod* (1968), 15 Ohio App.2d 115, 44 O.O.2d 249, 239 N.E.2d 100.

The provision of the Constitution of Ohio permitting comment on the failure of the defendant to testify or other silence violates the Fifth Amendment. *Griffin v. California* (1965), 380 U.S. 609, 85 S.Ct. 1229, 14 L.Ed.2d 106. Section 10, Article I, of the Ohio Constitution and R.C. 2945.43 violate the Fifth Amendment. *State v. Lynn* (1966), 5 Ohio St.2d 106, 34 O.O.2d 226, 214 N.E.2d 226.

Defense counsel is also restricted on what he may tell the jury, especially on voir dire. *State v. Broeckel* (1966), 8 Ohio App.2d 330, 37 O.O.2d 390, 222 N.E.2d 443. The application of the Fifth Amendment to instructions in state prosecutions may be the subject of more definitive decisions.

The Miranda case does not exclude the prosecution's use of voluntary statements of the accused for the purpose of impeaching his credibility on cross-examination. *State v. Butler* (1969), 19 Ohio St.2d 55, 48 O.O.2d 77, 249 N.E.2d 818.

A trial judge may include in his instructions an explanation of the defendant's right not to testify. *State v. Rollins* (1976), 49 Ohio App.2d 330, 3 O.O.3d 392, 361 N.E.2d 555; *State v. Nelson* (1973), 36 Ohio St.2d 79, 65 O.O.2d 222, 303 N.E.2d 865; *Lakeside v. Oregon* (1978), 435 U.S. 333, 98 S.Ct. 1091, 55 L.Ed.2d 319.

#### CR 409.09 Interrogation of defendant R.C. 2933.81 (offenses committed on and after 8/16/21) [Rev. 8/4/21]

#### COMMENT

R.C. 2933.81(B) requires custodial interrogations to be electronically recorded in

specific offenses unless an exception under R.C. 2933.81(C) applies. The Committee believes the determination of whether an exception to the recording requirement has been established by a preponderance of the evidence by the state should be made outside the presence of the jury by the trial judge. In the event no exception applies, the court must provide a cautionary instruction to the jury.

1. The evidence showed that the custodial interrogation of the defendant was not electronically recorded. You may consider the failure to record the custodial interrogation in determining the reliability of the evidence.

**COMMENT**

Drawn from R.C. 2933.81(D).

*(Text continued on page 75)*



# Chapter CR 513

## THEFT AND FRAUD

### COMMENT

Senate Bill 2 (S.B. 2), effective July 1, 1996, is primarily felony sentencing legislation. It applies prospectively to offenses committed on or after July 1, 1996. Some instructions in this chapter apply only to offenses committed on and after July 1, 1996. The other instructions are not affected by S.B. 2.

- CR 513.02 Theft R.C. 2913.02 (offenses committed on and after 7/1/96 but before 7/22/98) *[Rev. 10-22-11]*
- CR 513.02 Theft R.C. 2913.02 (offenses committed on and after 7/22/98 but before 11/10/99) *[Rev. 10-22-11]*
- CR 513.02 Theft R.C. 2913.02 (offenses committed on and after 11/10/99 but before 9/16/03) *[Rev. 10-22-11]*
- CR 513.02 Theft R.C. 2913.02 (offenses committed on and after 9/16/2003 but before 11/26/2004) *[Rev. 10-22-11]*
- CR 513.02 Theft R.C. 2913.02 (offenses committed on and after 11/26/2004 but before 4/15/2005) *[Rev. 10-22-11]*
- CR 513.02 Theft R.C. 2913.02 (offenses committed on and after 4/15/2005 but before 3/14/2007) *[Rev. 10-22-11]*
- CR 513.02 Theft R.C. 2913.02 (offenses committed on and after 3/14/2007 but before 4/7/2009) *[Rev. 10-22-11]*
- CR 513.02 Theft R.C. 2913.02 (offenses committed on and after 4/7/2009 but before 9/30/2011) *[Rev. 10-22-11]*
- CR 513.02 Theft R.C. 2913.02 (offenses committed on and after 9/30/2011 but before 7/1/13) *[Rev. 9/14/13]*
- CR 513.02 Theft R.C. 2913.02 (offenses committed on and after 7/1/13 but before 9/16/14) *[Rev. 9/14/13]*
- CR 513.02 Theft R.C. 2913.02 (offenses committed on and after 9/16/14) *[Rev. 1/9/16]*
- CR 513.03 Unauthorized use of a vehicle R.C. 2913.03 (offenses committed on and after 7/1/96 but before 11/10/99) *[Rev. 5/7/16]*
- CR 513.03 Unauthorized use of a vehicle R.C. 2913.03 (offenses committed on and after 11/10/99 but before 9/30/11) *[Rev. 5/7/16]*
- CR 513.03 Unauthorized use of a vehicle R.C. 2913.03 (offenses committed on and after 9/30/11) *[Rev. 5/7/16]*
- CR 513.04 Unauthorized use of property R.C. 2913.04 (offenses committed on and after 7/1/96)
- CR 513.05 Telecommunications fraud R.C. 2913.05 (offenses committed on and after 3/30/99 but before 6/8/12) *[Rev. 5/6/17]*
- CR 513.05 Telecommunications fraud R.C. 2913.05 (offenses committed on and after 6/8/12)

*[Rev. 5/6/17]*

- CR 513.07 Motion picture piracy R.C. 2913.07 (offenses committed on and after 3/9/04) *[Rev. 1/21/18]*
- CR 513.041 Possession or sale of unauthorized device R.C. 2913.041 (offenses committed on and after 7/1/96)
- CR 513.11 Passing bad checks R.C. 2913.11 (offenses committed on and after 7/1/96 but before 5/18/05) *[Rev. 10/13/18]*
- CR 513.11 Passing bad checks R.C. 2913.11 (offenses committed on and after 5/18/05 but before 9/30/11) *[Rev. 10/13/18]*
- CR 513.11 Passing bad checks R.C. 2913.11 (offenses committed on and after 9/30/11) *[Rev. 10/13/18]*
- CR 513.21 Misuse of credit cards R.C. 2913.21 (offenses committed on and after 7/1/96 but before 11/10/99)
- CR 513.21 Misuse of credit cards R.C. 2913.21 (offenses committed on and after 11/10/99 but before 9/30/11) *[Rev. 12/8/18]*
- CR 513.21 Misuse of credit cards R.C. 2913.21 (offenses committed on and after 9/30/11 but before 11/2/18) *[Rev. 12/8/18]*
- CR 513.21 Misuse of credit cards R.C. 2913.21 (offenses committed on and after 11/2/18) *[Rev. 5/22/2021]*
- CR 513.31(A) Forgery R.C. 2913.31(A) (offenses committed on and after 7/1/96)
- CR 513.31(B) Forging identification cards or selling or distributing forged identification cards R.C. 2913.31(B)
- CR 513.32 Criminal simulation R.C. 2913.32 (offenses committed on and after 7/1/96)
- CR 513.33 Making or using slugs R.C. 2913.33
- CR 513.34 Trademark counterfeiting R.C. 2913.34 (offenses committed on and after 3/31/97)
- CR 513.40 Medicaid fraud R.C. 2913.40 *[Rev. 8-22-07]*
- CR 513.401 Medicaid eligibility fraud R.C. 2913.401 *[Rev. 8-22-07]*
- CR 513.41 Defrauding a livery or hostelry R.C. 2913.41 (offenses committed before 7/1/96)
- CR 513.42 Tampering with records R.C. 2913.42 (offenses committed on and after 7/1/96)
- CR 513.43 Securing writings by deception R.C. 2913.43 (offenses committed on and after 7/1/96)
- CR 513.44 Personating an officer R.C. 2913.44
- CR 513.45 Defrauding creditors R.C. 2913.45 (offenses committed on and after 7/1/96)
- CR 513.46(B) Illegal use of food stamps or WIC program benefits R.C. 2913.46(B) (offenses committed on and after 9/26/96)
- CR 513.46(C) Illegal use of food stamps or WIC program benefits R.C. 2913.46(C) (offenses committed on and after 9/26/96)
- CR 513.47 Insurance fraud R.C. 2913.47 (offenses committed on and after 7/1/96)
- CR 513.48 Workers' compensation fraud R.C. 2913.48 (offenses committed on and after 7/1/96)
- CR 513.49 Identity Fraud R.C. 2913.49 (offenses committed on and after 9/16/05 but before 9/30/11) *[Rev. 1-21-12]*
- CR 513.49 Identity Fraud R.C. 2913.49 (offenses committed on and after 9/30/11) *[Rev. 1-21-12]*



- CR 513.51 Receiving stolen property R.C. 2913.51 (offenses committed on and after 7/1/96 but before 7/22/98) [Rev. 1/11/14]
- CR 513.51 Receiving stolen property R.C. 2913.51 (offenses committed on and after 7/22/98 but before 10/29/99) [Rev. 1/11/14]
- CR 513.51 Receiving stolen property R.C. 2913.51 (offenses committed on and after 10/29/99 but before 9/30/11) [Rev. 1/11/14]
- CR 513.51 Receiving stolen property R.C. 2913.51 (offenses committed on and after 9/30/11 but before 7/1/13) [Rev. 1/11/14]
- CR 513.51 Receiving stolen property R.C. 2913.51 (offenses committed on and after 7/1/13) [Rev. 1/11/14]
- CR 513.02 Theft R.C. 2913.02 (offenses committed on and after 7/1/96 but before 7/22/98) [Rev. 10-22-11]

### COMMENT

The degree of some offenses in R.C. Chapter 2913 is determined by the identity or value of the property or services involved or the status of the victim. The following instructions are designed to require the verdict, if guilty, to state specifically the additional finding(s) that determine(s) the degree of the offense. *State v. Pelfrey*, 112 Ohio St.3d 422, 2007-Ohio-256.

1. The defendant is charged with (theft) (theft of a motor vehicle) (theft of dangerous drugs). Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and in \_\_\_\_\_ (County) (other jurisdiction), Ohio, the defendant, with purpose to deprive the owner of (describe specific [property] [rented property] [services] [motor vehicle] [dangerous drug]), knowingly (obtained) (exerted control over) the (describe specific [property] [rented property] [services] [motor vehicle] [dangerous drug])

(Use appropriate alternative[s])

(A)(1) without the consent of the (owner) (person authorized to give consent);

(or)

(Text continued on page 467)

[The body of the document contains several paragraphs of text that are extremely faded and illegible. The text appears to be organized into sections, possibly separated by headings or subheadings, but the specific content cannot be discerned.]



**CR 513.21 Misuse of credit cards R.C. 2913.21 (offenses committed on and after 11/2/18) [Rev. 5/22/2021]**

1. The defendant is charged with misuse of (a) credit card(s). Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and in \_\_\_\_\_ (County) (*other jurisdiction*), Ohio, the defendant

*(Use appropriate alternative)*

(A)(1) practiced deception for the purpose of procuring the issuance of a credit card, when a credit card was issued in actual reliance on the deception.

*(or)*

(A)(2) knowingly (bought) (sold) a credit card (from) (to) (*describe person*), who was not the issuer of the credit card.

*(or)*

(A)(3) knowingly misused a credit card account held by a political subdivision while the defendant was a/an ([officer] [employee] [appointee] of a political subdivision) (public servant).

**COMMENT**

Drawn from R.C. 2913.21(A).

*(or)*

(B)(1) with purpose to defraud, obtained control over a credit card as security for a debt.

*(or)*

(B)(2) with purpose to defraud, used the credit card in one or more transactions to obtain (property) (services), (knowing) (having reasonable cause to believe) that the card (had expired) (had been revoked) (was [obtained] [retained] [being used] in violation of law).

*(or)*

(B)(3) with purpose to defraud, furnished (property) (services) upon presentation of a credit card, knowing that the card was being used in violation of law.

*(or)*

(B)(4) with purpose to defraud, (represented) (caused to be represented) to the issuer of a credit card that (property) (services) had been furnished, knowing that the representation was false.

*(or)*

(C) (received) (possessed) (controlled) (disposed of) a credit card with purpose to

*(describe the conduct that would be a violation of R.C. 2913.21).*

*(or)*

(D) used a county-issued credit card to pay for expenses not authorized by law.

**COMMENT**

Drawn from R.C. 301.27.

(E) knowingly misused a credit card account held by the board of township trustees while the defendant was a (township [officer] [employee] [appointee]) (public servant).

**COMMENT**

Drawn from R.C. 505.64(F).

(F) knowingly misused a credit card account held by a township park district while the defendant was a (township park district [officer] [employee] [appointee]) (public servant).

**COMMENT**

Drawn from R.C. 511.234(F).

(G) knowingly misused a credit card account held by a municipal corporation while the defendant was a (municipal corporation [officer] [employee]) (public servant).

**COMMENT**

Drawn from R.C. 717.31(F).

(H) knowingly misused a credit card account held by a board of supervisors of a soil and water conservation district while the defendant was a (board [member] [employee]) (public servant).

**COMMENT**

Drawn from R.C. 940.11(F). Effective 3/24/2021, the statute was amended to refer to a board of supervisors instead of supervisors. H.B. 340. The amendment does not materially affect the criminal offense in this section.

(I) knowingly misused a credit card account held by a board of park commissioners of a park district while the defendant was a (board [officer] [employee] [appointee]) (public servant).

**COMMENT**

Drawn from R.C. 1545.072(F).



(J) knowingly misused a credit card account held by a board of directors of a/an (county) (independent) agricultural society while the defendant was a/an ([officer] [employee] of that society) (public servant).

**COMMENT**

Drawn from R.C. 1711.131(F).

(K) knowingly misused a credit card account held by a (school district board of education) (governing board of an educational service center) (governing authority of an information technology center) while the defendant was a/an ([officer] [employee] of that [school district] [educational service center] [information technology service center]) (public servant).

**COMMENT**

Drawn from R.C. 3313.311(F).

(L) knowingly misused a credit card account held by a governing authority of a community school while the defendant was a (community school [officer] [employee]) (public servant).

**COMMENT**

Drawn from R.C. 3314.52(F).

(M) knowingly misused a credit card account held by a governing body of a STEM school while the defendant was a (STEM school [officer] [employee]) (public servant).

**COMMENT**

Drawn from R.C. 3326.52(F).

(N) knowingly misused a credit card account held by a board of trustees of a college-preparatory boarding school while the defendant was a/an ([officer] [employee] of that school) (public servant).

**COMMENT**

Drawn from R.C. 3328.52(F).

(O) knowingly misused a credit card account held by a library (board of trustees) (district) while the defendant was a/an ([officer] [employee] of that library [board of trustees] [district]) (public servant).

**COMMENT**

Drawn from R.C. 3375.392(F).

(P) knowingly misused a credit card account held by a board of trustees of a regional water and sewer district while the defendant was a (district [officer] [employee]) (public servant).

**COMMENT**

Drawn from R.C. 6119.60(F).

**2. CREDIT CARD. R.C. 2913.01.****COMMENT**

For the purposes of misuse of a county credit card, a procurement card authorized under R.C. 301.29 is not included as a credit card when the defendant is an officer or employee of the county. R.C. 301.27(A)(1).

**3. PROCUREMENT CARD. R.C. 301.29(A)(2).****4. DECEPTION. R.C. 2913.01.****5. PURPOSE. OJI-CR 417.01; R.C. 2901.22(A).****6. KNOWINGLY. OJI-CR 417.11; R.C. 2901.22(B).****7. POLITICAL SUBDIVISION. “Political subdivision” means any corporate or political body that is responsible for government activities in a geographic area smaller than that of the state. “Political subdivision” does not include a county.****COMMENT**

Drawn from R.C. 9.21(H), which provides that a “political subdivision” for purposes of policies regarding “political subdivisions” that hold credit card accounts does not include a county. *But see* R.C. 9.22 (includes a county in the definition of “political subdivision” regarding debit card accounts). R.C. 301.27 sets out a separate offense for misuse of a county credit card.

**8. DEFRAUD. “Defraud” means to knowingly obtain, by deception, some benefit for oneself or another or to knowingly cause, by deception, some detriment to another.****COMMENT**

R.C. 2913.01.

**9. PROPERTY. R.C. 2901.01.****10. SERVICES. “Services” include labor, personal services, professional services,**



public utility services, common carrier services, food, drink, transportation, entertainment, and cable television services.

### COMMENT

R.C. 2913.01.

11. ACTUAL RELIANCE. A person acts in reliance when the (statement[s]) (conduct) of another (induce[s]) (cause[s]) that person to act pursuant to such (statement[s]) (conduct).

12. ISSUE. "Issue" means to give out, to distribute.

13. ISSUER. "Issuer" means the (person who) (organization that) gives out or distributes credit cards.

14. SECURITY. "Security" means something given as a pledge or guaranty of payment for services or property.

15. VIOLATION OF LAW. Before you can find that the credit card was being (obtained) (retained) (used) in violation of law, you must find beyond a reasonable doubt that the defendant (*describe the elements of the applicable offense*).

### COMMENT

The trial court should instruct the jury on the elements of the applicable statutory violation by which the defendant obtained, retained, or used the credit card, even if that specific criminal offense is also being tried in a separate count. *State v. Riggs*, 5th Dist. Licking No. 2010 CA 20, 2010-Ohio-5697.

16. REASONABLE CAUSE TO BELIEVE. OJI-CR 417.37.

17. CREDIT CARD ACCOUNT. R.C. 9.21(H).

18. EXPENSES AUTHORIZED BY LAW. "Expenses authorized by law" are limited to the following work-related expenses: food, transportation, gasoline and oil owned or leased by the county, motor vehicle repair and maintenance for motor vehicles owned or leased by the county, telephone, lodging, internet service provider, purchases for children when the agency is providing temporary emergency care or the children are in (the temporary or permanent care) (planned permanent living arrangement) of a public children services agency, a webinar, or purchases of automatic or electronic data processing or record-keeping equipment, software, or services except as authorized by (*insert specific use under R.C. 307.84 through R.C. 307.847*).

### COMMENT

Drawn from R.C. 301.27(A) and (B).

This instruction should be given only for a violation of R.C. 2913.21 based on the prohibition contained in R.C. 301.27(G).

19. SCHOOL DISTRICT. R.C. 3311.02, R.C. 3311.03.
20. EDUCATIONAL SERVICE CENTER. R.C. 3311.05.
21. COMMUNITY SCHOOL. “Community school” means a public school independent of any school district and part of the state’s program of education.

**COMMENT**

Drawn from R.C. 3314.01.

22. LIBRARY BOARD OF TRUSTEES. “Library board of trustees” includes a board of a (library district) (free public library).

**COMMENT**

Drawn from R.C. 3375.392(A).

23. REGIONAL WATER AND SEWER DISTRICT. “Regional water and sewer district” means an unincorporated part of one or more contiguous counties or in one or more municipal corporations, or both, organized to supply water to users inside and outside the district and provide for the collection, treatment, and disposal of waste water inside and outside the district.

**COMMENT**

Drawn from R.C. 6119.01.

24. MISUSE OF CREDIT CARD ACCOUNT. “Misuse of credit card account” includes the use of the credit card account for any expenses beyond those authorized by written policy of the (board) (authority) (*describe other governing body*).

**COMMENT**

Drawn from R.C. 505.64(F), R.C. 511.234(F), R.C. 717.31(F), R.C. 940.11(F), R.C. 1545.072(F), R.C. 1711.131(F), R.C. 3313.311(F), R.C. 3314.52(F), R.C. 3326.52(F), R.C. 3328.52(F), R.C. 3375.392(F), R.C. 6119.60(F).

25. PUBLIC SERVANT. R.C. 2921.01.

26. ADDITIONAL FINDINGS:

(A) SPECIAL FINDING FOR CUMULATIVE RETAIL VALUE WITHIN 90 CONSECUTIVE DAYS. OJI-CR 425.25; R.C. 2913.21(D)(3), R.C. 2913.61.

In determining the cumulative retail value of the (property) (services) (property and services) involved, you may (aggregate) (add together) all (transactions) (uses) of one or more credit (cards) (card accounts) within a 90-consecutive-day period beginning from the first use of the credit (cards) (card accounts).

**COMMENT**

A special finding for cumulative retail value within 90 days applies only to



violations of R.C. 2913.21(B)(2), (B)(3), or (B)(4).

(B) SPECIAL FINDING FOR DEBT FOR WHICH THE CARD IS HELD AS SECURITY OR CUMULATIVE RETAIL VALUE WITHIN 90 CONSECUTIVE DAYS. OJI-CR 425.25; R.C. 2913.21(D)(4), R.C. 2913.61.

In determining the (debt for which the card is held as security) (cumulative retail value of the [property] [services] [property and services] involved) when the victim was a/an (elderly person) (disabled adult), you may (aggregate) (add together) all (transactions) (uses) of one or more credit (cards) (card accounts) within a 90-consecutive-day period beginning from the first use of the credit (cards) (card accounts).

#### COMMENT

A special finding for the debt for which the card was held as security or the cumulative retail value within 90 days applies only to violations of R.C. 2913.21(B)(1) or (B)(2) and when the victim was an elderly person or disabled adult. *See* R.C. 2913.21(D)(4).

(1) ELDERLY PERSON. R.C. 2913.21(D)(4). You must determine whether the state has proven beyond a reasonable doubt that the victim was an elderly person.

#### COMMENT

A special finding for an elderly person applies only to violations of R.C. 2913.21(B)(1) or (B)(2).

(2) DISABLED ADULT. R.C. 2913.21(D)(4). You must determine whether the state has proven beyond a reasonable doubt that the victim was a disabled adult.

#### COMMENT

A special finding for a disabled adult applies only to violations of R.C. 2913.21(B)(1) or (B)(2).

#### (C) DEFINITIONS:

(1) ELDERLY PERSON. "Elderly person" means a person who was 65 years of age or older at the time of the offense.

#### COMMENT

Drawn from R.C. 2913.01.

(2) DISABLED ADULT. R.C. 2913.01.

27. CONCLUSION. OJI-CR 425.01.

28. CONCLUSION WITH LESSER INCLUDED OFFENSE. OJI-CR 425.09, OJI-CR 425.11.

29. GENERAL VERDICT FORM. OJI-CR 425.33.

30. ADDITIONAL FINDING VERDICT FORM.

#### COMMENT

The Committee believes that the following verdict form satisfies *State v. Pelfrey*, 112 Ohio St.3d 422, 2007-Ohio-256.

A special finding for cumulative retail value applies only to violations of R.C. 2913.21(B)(2), (B)(3), or (B)(4).

We, the jury, having found the defendant guilty of misuse of credit card(s), further find beyond a reasonable doubt that the cumulative retail value was \*\_\_\_\_\_.

\* Insert in ink:

*(Use appropriate alternative)*

(1) "\$1,000 or more and less than \$7,500"

*(or)*

(2) "\$7,500 or more and less than \$150,000"

*(or)*

(3) "\$150,000 or more"

#### COMMENT

It is not necessary for the jury to return an exact value. It is sufficient if the finding is expressed as a monetary range required to determine the degree of offense. R.C. 2913.61.

31. ELDERLY PERSON OR DISABLED ADULT VERDICT FORMS.

#### COMMENT

If the indictment alleges that the victim of the offense was either an elderly person or a disabled adult, the judge should submit the verdict forms listed below instead of the Additional Finding Verdict Form above.

The Committee believes that the following verdict forms satisfy *State v. Pelfrey*, 112 Ohio St.3d 422, 2007-Ohio-256.

We, the jury, having found the defendant guilty of misuse of credit card(s), further find that the state of Ohio \*\_\_\_\_\_ prove beyond a reasonable doubt that (*insert name of victim*) was a/an (elderly person) (disabled adult).

\*Insert in ink: "did" or "did not"

If you found that (*insert name of victim*) was a/an (elderly person) (disabled adult), use the verdict form listed in (A). If you found that (*insert name of victim*) was not a/an (elderly person) (disabled adult), use the verdict form listed in (B).



(A) We, the jury, having found the defendant guilty of misuse of credit card(s) and that *(insert name of victim)* was a/an (elderly person) (disabled adult), further find beyond a reasonable doubt that the cumulative retail value was \* \_\_\_\_\_.

\* Insert in ink:

*(Use appropriate alternative)*

(1) "\$1,000 or more and less than \$7,500"

*(or)*

(2) "\$7,500 or more and less than \$37,500"

*(or)*

(3) "\$37,500 or more"

(B) We, the jury, having found the defendant guilty of misuse of credit card(s) and that *(insert name of victim)* was not a/an (elderly person) (disabled adult), further find beyond a reasonable doubt that the (debt for which the card was held as security) (cumulative retail value of the [property] [services] involved) was \* \_\_\_\_\_.

\* Insert in ink:

*(Use appropriate alternative)*

(1) "\$1,000 or more and less than \$7,500"

*(or)*

(2) "\$7,500 or more and less than \$150,000"

*(or)*

(3) "\$150,000 or more"

### COMMENT

It is not necessary for the jury to return an exact value. It is sufficient if the finding is expressed as a monetary range required to determine the degree of offense. R.C. 2913.61.

### CR 513.31(A) Forgery R.C. 2913.31(A) (offenses committed on and after 7/1/96)

1. The defendant is charged with forgery. Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and in \_\_\_\_\_ (County) *(other jurisdiction)*, Ohio, the defendant (with purpose to defraud) (knowing that he/she was facilitating a fraud)

*(Use appropriate alternative[s])*

(A)(1) forged the *(describe writing)* of *(insert name of other person)* without his/her authority.

(or)

(A)(2) forged the (*describe writing*) so that it purported or appeared (to be genuine when it was actually [spurious] [false]) (to be the act of [*insert name of person*]) who did not authorize that act) (to have been executed at [a time] [a place] [with terms] different from what was in fact the case) (to be a copy of an original when no such original existed).

(or)

(A)(3) (uttered) (possessed with the purpose to utter) a (*describe writing*) which he/she knew was forged.

2. PURPOSE. OJI-CR 417.01; R.C. 2901.22(A).

3. DEFRAUD; FRAUD. “Defraud” means to knowingly obtain, by deception, some benefit for oneself or another or to knowingly cause, by deception, some detriment to another.

#### COMMENT

R.C. 2913.01(B). The definition of the noun “fraud” is identical to that of the verb “defraud.”

4. KNOWINGLY. OJI-CR 417.11; R.C. 2901.22(B).

5. DECEPTION. R.C. 2913.01(A).

6. FACILITATING. “Facilitating” means helping, promoting, assisting or aiding.

7. FORGED. “Forge” means to fabricate or create, in whole or in part and by any means, any (spurious) (false) writing, or to make, execute, alter, complete, reproduce, or otherwise (purport) (claim) to authenticate any writing, when the writing in fact is not authenticated by that conduct.

#### COMMENT

Drawn from R.C. 2913.01(G).

8. WRITING. R.C. 2913.01(F).

9. EXECUTE. “Execute” means to sign a document.

10. UTTER. “Utter” means to issue, publish, transfer, use, put or send into circulation, deliver, or display.

#### COMMENT

R.C. 2913.01(H).

11. ADDITIONAL FINDING:

VALUE. OJI-CR 425.23; R.C. 2913.31(C)(1), 2913.61.



## 12. CONCLUSION. OJI-CR 425.01.

*(Text continued on page 517)*





# INDEX

[References are to civil (CV) and criminal (CR) instruction numbers.]

## A

### ABDUCTION

Generally . . . CR 505.02

### ABORTION OFFENSES

Definitions . . . CR 519.171

Eighteen years of age, performance of abortion on woman under . . . CR 519.12(B)

Falsification report . . . CR 519.171

Manslaughter, abortion, . . . CR 519.13(A); CR 519.13(B)

Parent or guardian notification, failure to provide . . . CR 519.12(B)

Report falsification . . . CR 519.171

Trafficking . . . CR 519.14

Unlawful abortion

Generally . . . CR 519.12(A)

Parent or guardian notification, failure to provide . . . CR 519.12(B)

Partial birth . . . CR 519.151

Viability

Termination or attempted termination of pregnancy after . . . CR 519.17

Testing for, failure to perform . . . CR 519.18

Woman under 18 . . . CR 519.12(B); CR 519.121

### ABUSE AND NEGLECT

Battered person syndrome . . . CR 417.43

Child abuse (See CHILD ABUSE AND NEGLECT)

Patient abuse and neglect

Generally . . . CR 503.34

False complaint, filing of . . . CR 503.35

### ABUSE OF PROCESS

Generally . . . CV 435.01

Defined . . . CV 435.01

### ACCELERANT

Use of accelerant to initiate or increase growth or spread of fire . . . CR 541.1425

### ACCOMPLICES

Generally . . . CR 523.03

Testimony . . . CR 409.17

### ACCORD AND SATISFACTION

Affirmative defense in contract claim, as . . . CV 501.25

### ADDITIONAL ELEMENTS

Finding of; concluding instructions . . . CR 425.25

### ADMONITIONS TO JURY

Generally . . . CV 301.07

Sample instructions . . . CR 205.03; CV 205.03

### ADULT

Defined . . . CR 521.32(A); CR 521.32(B)

### ADULTERY

Proof of . . . CV 701.05

### ADVERSE POSSESSION

Generally . . . CV 601.03

### ADVISORY INSTRUCTIONS

Generally . . . CR 101.57; CV 101.57

### ADVISORY JURIES

Generally . . . CR 101.37; CV 101.37

### AGENCY LIABILITY

Contracts . . . CV 423.01

Independent contractors . . . CV 423.07

Issues regarding negligence, presentation of (See NEGLIGENCE, subhead: Issues, presentation of)

Joint ventures . . . CV 423.05

Medical negligence by agents or employees of physicians . . . CV 417.11

Surety's liability on bond of agent . . . CV 513.01

Torts . . . CV 423.03

### AGGRAVATING CIRCUMSTANCES

Damages, acceleration or aggravation of condition . . . CV 315.15

Specification in concluding instructions . . . CR 425.27

### AID OR ABET

Escape (See ESCAPE, subhead: Aiding of)

Identity fraud . . . CR 513.49

### AIRCRAFT-AIRPORT OPERATIONS

Endangering . . . CR 509.08

### ALCOHOL OFFENSES

Firearm possession in liquor permit premises, illegal . . . CR 523.121

Insurance policy intoxication exclusion . . . CV 709.39

Intoxication (See INTOXICATION)

Liability for service of intoxicants (See INTOXICATIONS, subhead: Liability for service of)

Traffic offenses

Insurance policy intoxication exclusion . . . CV 709.39

Operating under influence of alcohol or drugs

Generally . . . CR 711.19

Felony OVI specification . . . CR 541.1413

Physical control of vehicle while under influence . . . CR 711.194

Prohibited alcohol or drug concentration, operating with . . . CR 711.19(A)(1)(b)-(j)

Refusal to submit to chemical test . . . CR 711.19(A)(2)

Physical control of vehicle while under influence . . . CR 711.194

Prohibited alcohol concentration, operating with Generally . . . CR 711.19(A); CR 711.19(A)(1)(b)-(j)

Defendant under 21 . . . CR 711.19(B)

Wrongful entrustment of motor vehicle . . . CR 711.203

Watercraft and waterways violations

Defendant under 21 years of age operating vessel with prohibited alcohol concentration . . . CR 547.11(B)



[References are to civil (CV) and criminal (CR) instruction numbers.]

**ALCOHOL OFFENSES—Cont.****Watercraft and waterways violations—Cont.**

- Operating vessel under influence of alcohol or drugs . . . CR 547.11(A)(1)
- Prohibited alcohol or drug concentration, operating vessel with . . . CR 547.11(A)(2)-(6)

**ALIBI**

- Defense of . . . CR 421.03

**ALTERNATIVE COUNTS**

- Concluding instructions . . . CR 425.13

**ANHYDROUS AMMONIA**

- Theft . . . CR 513.02

**ANIMALS**

- Bestiality . . . CR 559.21
- Companion animals, cruelty to . . . CR 559.131
- Cruelty to companion animals . . . CR 559.131
- Dogs
  - Generally (See DOGS)
  - Police dog or horse (See subhead: Police dog or horse)
- Drugs for, trafficking in . . . CR 525.09(B)
- Escape of animals, duty to report . . . CR 527.21
- Exotic animals, crimes related to . . . CR 551.13
- Fighting
  - Generally . . . CR 559.15
  - Dog fighting . . . CR 559.03
- Liability for
  - Affirmative defenses . . . CV 409.03
  - Dog owners . . . CV 409.01
  - Domestic animals, owners of . . . CV 409.07
  - Wild animals, owners of . . . CV 409.05
- Police dog or horse
  - Assaulting . . . CR 521.321(A)
  - Definition . . . CR 521.321(A); CR 521.321(B)
  - Harassing . . . CR 521.321(B)
  - Theft . . . CR 513.02
- Wildlife violations (See WILDLIFE VIOLATIONS)

**APPEAL ON INSTRUCTIONS**

- Generally . . . CR 101.15; CV 101.15
- Error, based on . . . CR 101.17; CV 101.17
- Prejudice, based on . . . CR 101.17; CV 101.17

**ARREST**

- Definition . . . CR 521.33
- False arrest . . . CV 441.01
- Impersonation of officer during . . . CR 521.51(C)
- Resisting . . . CR 521.33

**ARSON**

- Generally . . . CR 509.03
- Aggravated . . . CR 509.02
- Insurance claims . . . CV 709.11
- Registry of offenders . . . CR 509.15

**ASSAULT**

- Aggravated
  - Generally . . . CR 503.12
  - Vehicular assault . . . CR 503.08
- Assistance dogs . . . CR 521.321(C)
- Civil assault . . . CV 429.01

**ASSAULT—Cont.**

- Criminal assault . . . CR 503.13
- Felonious . . . CR 503.11(A); CR 503.11(B)
- Negligent . . . CR 503.14
- Police dog or horse, of . . . CR 521.321(A)
- Vehicular . . . CR 503.08

**ASSISTANCE DOGS (See DOGS)****ATTEMPT TO COMMIT CRIME**

- Generally . . . CR 523.02

**ATTORNEYS**

- Fees in damage claims . . . CV 315.39
- Intimidation of . . . CR 521.04
- Professional negligence generally (See PROFESSIONAL NEGLIGENCE)
- Self-representation by defendant . . . CR 401.03

**AUDIOTAPES**

- Evidence, as . . . CR 409.29

**AUTOMOBILES AND OTHER MOTOR VEHICLES**

- Accident, leaving scene of
  - Generally . . . CR 749.02
  - Damage to property of others, involving . . . CR 749.03
  - Exchange of identity and vehicle registration, duty to provide . . . CR 749.02
  - Nonpublic road accident . . . CR 749.021
- Alcohol offenses
  - Traffic offenses (See ALCOHOL OFFENSES, subhead: Traffic offenses)
  - Watercraft and waterways violations (See ALCOHOL OFFENSES, subhead: Watercraft and waterways violations)
- Assault, vehicular . . . CR 503.08
- Certificate of title, theft value . . . CR 425.23
- Damages for damage or loss . . . CV 315.19
- Driver's license offenses (See DRIVER'S LICENSE OFFENSES)
- Firearms in, improper handling of . . . CR 523.16
- Governmental liability for negligent operation of motor vehicle . . . CV 425.01
- Homicide, vehicular (See VEHICULAR HOMICIDE)
- Illuminating devices, failure to use . . . CV 411.71
- Insurance policy intoxication exclusion . . . CV 709.39
- Leaving scene of accident (See subhead: Accident, leaving scene of)
- Lemon Law . . . CV 529.01
- License offenses (See DRIVER'S LICENSE OFFENSES)
- License plate or placard, theft value . . . CR 425.23
- Lights, failure to display . . . CV 411.71
- Livery, defrauding of . . . CR 513.41
- Manufacturer's or importer's certificate form, theft value . . . CR 425.23
- Minor, operation by . . . CV 407.09
- Negligence involving (See NEGLIGENCE, subhead: Automobile negligence)
- Nitrous oxide, possession in motor vehicle of . . . CR 525.33



[References are to civil (CV) and criminal (CR) instruction numbers.]

## AUTOMOBILES AND OTHER MOTOR

### VEHICLES—Cont.

Nonconforming motor vehicles (Lemon Law) . . . CV 529.01

#### Non-traffic offenses

Illuminating devices, failure to use . . . CV 411.71

Lights, failure to display . . . CV 411.71

Unsafe vehicle, operation of . . . CV 411.69

Plate or placard, theft value . . . CR 425.23

Reasonable control of vehicle . . . CV 411.15

Signal for stop, failure to obey . . . CR 749.01

Theft . . . CR 513.02

Title, theft value . . . CR 425.23

#### Traffic offenses

Generally (See TRAFFIC OFFENSES)

Alcohol-related (See ALCOHOL OFFENSES, subhead: Traffic offenses)

Non-traffic (See subhead: Non-traffic offenses)

Unauthorized use . . . CR 513.03

Unsafe vehicle, operation of . . . CV 411.69

Vehicle identification numbers, tampering with

Generally . . . CR 749.62(A)

Counterfeit VINs . . . CR 749.62(C)

Owner's VIN . . . CR 749.62(B)

Possessing or dealing in tampered vehicles . . . CR 749.62(D)

Vehicular assault . . . CR 503.08

Vehicular homicide (See VEHICULAR HOMICIDE)

Willful or wanton disregard of safety of persons or property, operation in . . . CV 411.13

Windshield sticker, theft value . . . CR 425.23

Wrongful entrustment of motor vehicle . . . CR 711.203

## B

### BAD CHECKS

Passing of . . . CR 513.11

### BAIL

Bailments (See BAILMENTS)

Bond agent practices, illegal

Misrepresentation . . . CR 527.27(B)

Reckless apprehension . . . CR 527.27(A)

### BAILMENTS

Agreement, by

Generally . . . CV 629.01

Prima facie case . . . CV 629.03

Care, duty of . . . CV 629.01

Defined . . . CV 629.01

Return, duty of . . . CV 629.01

### BATTERED PERSON SYNDROME

Defined . . . CR 417.43

### BATTERY

Generally . . . CV 429.03

Sexual . . . CR 507.03

### BIGAMY

Generally . . . CR 519.01

### BINGO GAMES (See GAMBLING)

### BIOLOGICAL WEAPONS

Illegal assembly or possession of chemicals or substances for manufacturing of . . . CR 509.28

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

### BLACKOUT OR COMA (See COMA OR BLACKOUT)

### BLOOD SUPPLY

Contaminated blood, selling or donation of . . . CR 527.13

### BOATS (See VESSELS)

### BODY ARMOR

Specifications

Generally . . . CR 541.1411

Wearing of during commission of felony; concluding instructions . . . CR 425.19

Wearing of during commission of felony; specification in concluding instructions . . . CR 425.19

### BONDS

Bail bonds (See BAIL)

Sureties (See SURETIES)

### BRANDISH

Definition . . . CR 521.33

### BREAKING AND ENTERING

Land . . . CR 511.13(B)

Structure . . . CR 511.13(A)

### BRIBERY

Generally . . . CR 521.02

Solicitation by public official, improper (See SOLICITATION, subhead: Compensation by public official, improper)

### BROKERS

Abandonment by . . . CV 605.07

Both parties, effect of acting for . . . CV 605.03

Commission, recovery of . . . CV 605.01

Damages by . . . CV 605.09

Duty to seller, broker's . . . CV 605.09

Failure of transaction . . . CV 605.05

### BURDEN OF PROOF

Generally . . . CR 405.05; CV 303.03

Adultery . . . CV 701.05

Affirmative defenses . . . CR 417.27

Final instructions, sample . . . CR 207.11; CV 207.03

Insanity defense . . . CR 421.29

Insurance (See INSURANCE)

Negligence defense (See NEGLIGENCE, subhead: Burden of proof of defenses)

Paternity claim

Defendant as presumed father . . . CV 705.05

Non-defendant as presumed father . . . CV 705.03

RICO offenses

Acquiring or maintaining interest in enterprise or real property . . . CV 445.09



[References are to civil (CV) and criminal (CR) instruction numbers.]

**BURDEN OF PROOF—Cont.****RICO offenses—Cont.**

Conducting or participating in affairs of enterprise . . . CV 445.03

Conspiracy to engage in pattern of corrupt activity or collection of unlawful debt . . . CV 445.21

Use or investment of proceeds in acquisition of real property, or establishment or operation of enterprise . . . CV 445.15

Support claim, in . . . CV 701.03

Will contests . . . CV 633.01

**BURGLARY**

Aggravated . . . CR 511.11

Post-9/30/2011, offenses committed . . . CR 511.12

Pre-9/30/2011, offenses committed . . . CR 511.12

Trespass in habitation when person present or likely to be present . . . CR 511.12(B)

**BURIAL SITES**

Vandalism . . . CR 509.05(D)

**BURN INJURIES**

Failure to report . . . CR 521.22(E)

**BUSINESS RELATIONSHIPS**

Tortious interference with . . . CV 453.01

**C****CABARET, ADULT**

Employee, illegal acts of . . . CR 507.53(C)

Illegally operating . . . CR 507.40(B)

Owner or operator, illegal acts of . . . CR 507.53(B)

Permit, operation without . . . CR 507.53(A)

**CABLE TELEVISION SERVICES**

Theft of . . . CR 513.02

**CABLE THEFT**

Unauthorized device, possession or sale of . . . CR 513.041

Unauthorized use of cable, failure to report . . . CR 521.22(A)

**CALUMNY**

Defined . . . CR 521.04

**CAPACITY**

Will, making of . . . CV 633.03

**CASINOS**

Gambling-related crimes . . . CR 515.15

**CAUSATION**

Generally . . . CR 417.23

Intervening causes . . . CR 417.25

Natural consequences, responsibility for . . . CR 417.23

Other causes as defense . . . CR 417.25

Proximate cause

Negligent acts (See NEGLIGENCE)

Sample final instructions . . . CV 207.19

RICO offenses

Acquiring or maintaining interest in enterprise or real property . . . CV 445.13

**CAUSATION—Cont.****RICO offenses—Cont.**

Conducting or participating in affairs of enterprise . . . CV 445.07

Conspiracy to engage in pattern of corrupt activity or collection of unlawful debt . . . CV 445.25

Use or investment of proceeds in acquisition of real property, or establishment or operation of enterprise . . . CV 445.19

**CAUTIONARY INSTRUCTIONS**

Generally . . . CR 101.57; CV 101.57

**CEMETERIES**

Vandalism . . . CR 509.05(C)

**CHECKS**

Bad checks, passing of . . . CR 513.11

Theft, value . . . CR 425.23

**CHEMICAL TESTS**

Operating under influence of alcohol or drugs with refusal to submit to . . . CR 711.19(A)(2)

**CHEMICAL WEAPONS**

Illegal assembly or possession of chemicals or substances for manufacturing of . . . CR 509.28

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

**CHILD ABUSE AND NEGLECT**

Failure of person acting in official or professional capacity to report known or suspected

Generally . . . CV 407.25

Cleric or church leader . . . CV 407.27

False report, making of . . . CR 521.14

Parental education neglect . . . CR 519.222

Permitting . . . CR 503.15

Sexual abuse . . . CR 519.22

**CHILDREN (See also MINORS)**

Abortion performed on woman under 18, unlawful . . . CR 519.12(B); CR 519.121

Abuse or neglect (See CHILD ABUSE AND NEGLECT)

Administrator, action against parents by . . . CV 407.17

Care provider

Death or serious injury of child, failure to disclose . . . CR 519.225

Misrepresentation by . . . CR 519.224

Cigarettes, illegal distribution of . . . CR 527.02(B)(1) *et seq.*

Consortium (parent-child), loss of . . . CV 315.03

Custody, interference with (See CUSTODY, INTERFERENCE WITH)

Damages for child

Generally . . . CV 407.23

Consortium (parent-child), loss of . . . CV 315.03

Earnings, loss of . . . CV 407.21

Emancipation, effect of . . . CV 407.21

Inclusion or exclusion in damages for parent . . . CV 315.27

Negligence by parent, effect of . . . CV 407.17



[References are to civil (CV) and criminal (CR) instruction numbers.]

### CHILDREN (See also MINORS)—Cont.

- Delinquency or unruliness, contributing to (See JUVENILE DELINQUENCY, subhead: Contributing to delinquency or unruliness)
- Duty of parents . . . CV 407.15
- Earnings, recovery for loss of . . . CV 407.21
- Emancipation . . . CV 407.21
- Endangerment . . . CR 519.22
- Enticement, criminal . . . CR 505.05
- Family offenses (See FAMILY OFFENSES)
- Injury to, award for . . . CV 407.23
- Miscarriage, damages . . . CV 315.07
- Motor vehicle, operation of . . . CV 407.09
- Negligence (See NEGLIGENCE, subhead: Children, actions by or involving)
- Ordinary care of or by (See NEGLIGENCE, subhead: Ordinary care)
- Paternity claim, exhibiting of child in . . . CV 705.09
- Permanent disabling harm to victim under age ten . . . CR 541.1426
- Safety of child, care for . . . CV 407.01
- Schools (See SCHOOLS)
- Sex offenses involving (See SEX OFFENSES)
- Sexual abuse . . . CR 519.22
- Statutory violations by . . . CV 407.07
- Stealing of child . . . CR 505.04
- Stillbirth, damages . . . CV 315.07
- Support claims (See CHILD SUPPORT)
- Tobacco products, illegal distribution of . . . CR 527.02(B)(1) *et seq.*
- Tort of child, liability of parents for . . . CV 407.19
- Under age ten, permanent disabling harm to victim . . . CR 541.1426
- Unruliness, contributing to (See JUVENILE DELINQUENCY, subhead: Contributing to delinquency or unruliness)

### CHILD SUPPORT

- Interference with issuance or modification of support order . . . CR 519.231
- Nonsupport, claim for
  - Generally . . . CR 519.21(A); CR 519.21(B)
  - Contributing to nonsupport of dependents . . . CR 519.21(C)

### CIGARETTES, ILLEGAL DISTRIBUTION OF (See TOBACCO PRODUCTS, ILLEGAL DISTRIBUTION OF)

### CIRCUMSTANTIAL EVIDENCE

- Defined . . . CR 409.01; CV 305.01

### CIVIL CONSPIRACY

- Plaintiff's claim . . . CV 443.01

### CIVIL RIGHTS

- Deprivation of . . . CV 713.01
- Interference with . . . CR 521.45

### CIVIL RULES

- General instructions . . . CV 101.45

### CLEAR AND CONVINCING EVIDENCE

- Generally . . . CV 303.07

### CLOSING INSTRUCTIONS

- Alternate jurors . . . CR 425.39; CV 317.05
- Common closing remarks . . . CR 425.35; CV 317.03
- Final instructions (See FINAL INSTRUCTIONS)
- Introductory instructions . . . CV 317.01
- Sample final instructions . . . CV 207.39

### CLOSING REMARKS

- Final instructions, sample . . . CR 207.31; CV 207.35

### COERCION

- Generally . . . CR 505.12

### COIN MACHINES, TAMPERING WITH

- Generally . . . CR 511.32

### COMA OR BLACKOUT

- Acts committed while in . . . CR 417.07
- Negligence, excuse for
  - Generally . . . CV 401.21
  - Affirmative defenses for automobile negligence . . . CV 411.73

### COMMISSIONS AND FEES

- Broker's commission, recovery of . . . CV 605.01

### COMMON CARRIERS, NEGLIGENCE BY

- Generally . . . CV 401.35
- Highest degree of care . . . CV 401.37

### COMMON LAW MARRIAGE

- Determination of . . . CV 701.15

### COMPANION ANIMALS

- Cruelty to . . . CR 559.131

### COMPARATIVE FAULT

- Interrogatories on future damages
  - One defendant
    - Not required . . . CV 403.01
    - Required . . . CV 403.05
  - Two or more defendants
    - Not required . . . CV 403.03
    - Required . . . CV 403.07

### COMPARATIVE NEGLIGENCE

- Children, duty of parents in actions by or involving . . . CV 407.15
- Comparative fault (See COMPARATIVE FAULT)
- Conclusions
  - One plaintiff, one defendant . . . CV 406.01
  - Two or more defendants
    - Without plaintiff negligence . . . CV 406.03
    - With plaintiff negligence . . . CV 406.05
- Fault, comparative (See COMPARATIVE FAULT)
- Interrogatories on future damages
  - Comparative fault (See COMPARATIVE FAULT)
  - Failure to answer; instructions during deliberations . . . CV 319.07
  - One defendant
    - Not required . . . CV 403.01
    - Required . . . CV 403.05
  - Two or more defendants
    - Not required . . . CV 403.03
    - Required . . . CV 315.11; CV 403.07



[References are to civil (CV) and criminal (CR) instruction numbers.]

**COMPARATIVE NEGLIGENCE—Cont.**

Issues regarding negligence, presentation of (See NEGLIGENCE, subhead: Issues, presentation of)

Last clear chance as element . . . CV 403.13

One defendant

Generally . . . CV 403.01

Conclusions . . . CV 406.01

Interrogatories (See subhead: Interrogatories on future damages)

Proximate cause (See PROXIMATE CAUSE)

Rescue or attempted rescue of another . . . CV 403.11

Risk, assumption of . . . CV 403.09

Two or more defendants

Generally . . . CV 403.03

Conclusions

Without plaintiff negligence . . . CV 406.03

With plaintiff negligence . . . CV 406.05

Interrogatories (See subhead: Interrogatories on future damages)

**COMPETENCE OF WITNESSES**

Paternity claim, parties in . . . CV 705.11

Questioned competence of; instructions during trial . . . CV 309.21

**COMPLAINTS, FILING OF FALSE (See FALSE COMPLAINTS, FILING OF)****COMPLICITY**

Generally . . . CR 523.03

Specifications

Generally . . . CR 541.01

Firearms

One year . . . CR 541.141

Three year . . . CR 541.145

**COMPOUNDING OF CRIME**

Generally . . . CR 521.21

**COMPUTER USE**

Denial of access . . . CR 513.81

Unauthorized use

Generally . . . CR 513.04

Failure to report . . . CR 521.22(A)

**CONCEALMENT OF ASSETS**

Generally . . . CV 447.01

**CONCLUDING INSTRUCTIONS**

Generally . . . CR 101.59; CR 425.01; CV 101.59

Affirmative defense . . . CR 425.03; CV 313.05

Negligence conclusions (See NEGLIGENCE, subhead: Conclusions)

One plaintiff, one defendant

Generally . . . CV 313.01

Negligence conclusions . . . CV 406.01

Two or more defendants

Generally . . . CV 313.03

Negligence conclusions

Without plaintiff negligence . . . CV 406.03

With plaintiff negligence . . . CV 406.05

**CONFIDENTIAL INFORMATION**

Disclosure of . . . CR 521.24

**CONSCIOUSNESS OF GUILT**

Evidence of . . . CR 409.13

**CONSENT AGREEMENTS**

Violation of . . . CR 519.27

**CONSORTIUM, LOSS OF**

Damages . . . CV 315.03

**CONSPIRACY**

Generally . . . CR 523.01

Civil conspiracy; plaintiff's claim . . . CV 443.01

RICO offenses (See RICO OFFENSES, subhead: Conspiracy to engage in pattern of corrupt activity or collection of unlawful debt)

**CONSUMER SALES PRACTICES ACT**

Generally . . . CV 521.01

Rebates or discounts, illegal . . . CV 521.03

Title insurance agents, violations by . . . CV 525.21

**CONTAMINATION**

Blood, selling or donation of contaminated . . . CR 527.13

False report, spreading of . . . CR 527.24(C)

Human consumption items, of . . . CR 527.24(B)

**CONTRACTS**

Acceptance . . . CV 501.05

Accord and satisfaction as affirmative defense . . . CV 501.25

Affirmative defenses

Accord and satisfaction . . . CV 501.25

Duress . . . CV 501.29

Frustration of purpose . . . CV 501.15

Impracticability

Generally . . . CV 501.17

Government action, due to . . . CV 501.19

Mistake of fact

Mutual . . . CV 501.11

Unilateral . . . CV 501.13

Payment . . . CV 501.23

Prevention of performance . . . CV 501.21

Satisfaction . . . CV 501.23; CV 501.25

Waiver . . . CV 501.27

Agency liability

Generally . . . CV 423.01

Independent contractors (See AGENCY LIABILITY, subhead: Independent contractors)

Bailments (See BAILMENTS)

Damages

Expectation . . . CV 501.33

Reliance . . . CV 501.35

Defined . . . CV 501.03

Duress as affirmative defense . . . CV 501.29

Employment (See EMPLOYMENT RELATIONS, subhead: Contracts)

Express contracts . . . CV 501.03

Formation of contract . . . CV 501.03

Frustration of purpose as affirmative defense . . . CV 501.15

Government action, impracticability due to; affirmative defense . . . CV 501.19

Implied contract . . . CV 501.03



[References are to civil (CV) and criminal (CR) instruction numbers.]

**CONTRACTS—Cont.**

- Impracticability as affirmative defense
  - Generally . . . CV 501.17
  - Government action, impracticability due to . . . CV 501.19
- Intent of parties . . . CV 501.07
- Interference with contractual relationship, tortious
  - . . . CV 453.03
- Interpretation of contract . . . CV 501.07
- Mistake of fact
  - Affirmative defense, as
    - Mutual mistake . . . CV 501.11
    - Unilateral mistake . . . CV 501.13
  - Mistake/IMPLIED IN FACT contract . . . CV 501.39
- Modification of contract . . . CV 501.09
- Offer and acceptance . . . CV 501.05
- Payment as affirmative defense . . . CV 501.23
- Plaintiff, claim by . . . CV 501.01
- Prevention of performance as affirmative defense
  - . . . CV 501.21
- Promissory estoppel . . . CV 501.31
- Public contract, unlawful interest in . . . CR 521.42
- Quantum meruit . . . CV 501.39
- Rescission and restitution . . . CV 501.37
- Sale of goods (See SALE OF GOODS, CONTRACTS FOR (U.C.C.))
- Satisfaction as affirmative defense . . . CV 501.23; CV 501.25
- Suretyship contracts, strict construction of . . . CV 513.03
- Tortious interference with contractual relationship
  - . . . CV 453.03
- Uniform Commercial Code, contracts for sale of goods under (See SALE OF GOODS, CONTRACTS FOR (U.C.C.))
- Unjust enrichment, recovery for . . . CV 501.39
- Waiver as affirmative defense . . . CV 501.27

**CONTROLLED SUBSTANCES OFFENSES (See DRUG OFFENSES)****CONVERSION**

- Abandonment, defense of . . . CV 625.07
- Accrual of action . . . CV 625.03
- Defined . . . CV 625.01
- Mortgagee, by . . . CV 625.05

**CORPSE, ABUSE OF**

- Generally . . . CR 527.01

**CORRUPT ACTIVITIES**

- Engaging in pattern of . . . CR 523.32(A)(1); CR 523.32(A)(2); CR 523.32(A)(3)
- RICO (See RICO OFFENSES)

**COUNTERCLAIM**

- Submission of . . . CV 311.07

**COUNTERFEITING**

- Controlled substances . . . CR 525.37
- Trademarks . . . CR 513.34
- Vehicle identification numbers . . . CR 749.62(C)

**CREDIBILITY**

- Generally . . . CR 409.05; CV 305.05

**CREDIBILITY—Cont.**

- Sample final instructions . . . CR 207.05; CV 207.11

**CREDIT CARDS**

- Misuse of . . . CR 513.21
- Theft, value . . . CR 425.23

**CREDITORS**

- Defrauding of . . . CR 513.45
- Extortionate extension of credit . . . CR 505.22

**CRIMINAL RECORD INFORMATION**

- Misuse of . . . CR 527.22

**CRIMINAL RULES**

- General instructions . . . CR 101.45

**CUSTODY, INTERFERENCE WITH**

- Generally . . . CR 519.23(A)
- Removal of child . . . CR 519.23(B)
- Stealing of child . . . CR 505.04

**D****DAMAGES**

- Acceleration or aggravation of condition . . . CV 315.15
- Alcoholic beverages, service of
  - Generally . . . CV 413.11
  - Civil Damages Act, under . . . CV 413.07
- Annuity cost in claim for future damages . . . CV 315.13
- Attorneys' fees, reasonable . . . CV 315.39
- Automobile damage or loss . . . CV 315.19
- Broker's liability for . . . CV 605.09
- Child, damages for (See CHILDREN, subhead: Damages for child)
- Comparative negligence actions, interrogatories in (See COMPARATIVE NEGLIGENCE, subhead: Interrogatories on future damages)
- Compensatory damages
  - Nuisance . . . CV 621.13
  - Wrongful death . . . CV 315.49
- Consortium, loss of . . . CV 315.03
- Contract claims
  - Expectation damages . . . CV 501.33
  - Reliance damages . . . CV 501.35
- Criminal act, civil remedy for personal injuries resulting from . . . CV 455.01
- Defamation . . . CV 431.07
- Discrimination, employment . . . CV 533.25
- Earnings, loss of
  - Generally . . . CV 315.17
  - Minor, recovery by . . . CV 407.21
- Eminent domain actions, loss of value of remaining land in . . . CV 609.09
- Fraud . . . CV 449.15
- Future damages
  - Income tax considerations . . . CV 315.45
  - Interrogatories in comparative negligence actions (See COMPARATIVE NEGLIGENCE, subhead: Interrogatories on future damages)
  - Present value of . . . CV 315.45



[References are to civil (CV) and criminal (CR) instruction numbers.]

**DAMAGES—Cont.****Future damages—Cont.**

Tort actions based on claim for (See subhead: Tort actions based on claim for future damages)

Governmental liability . . . CV 425.15

Guarantees, actions involving . . . CV 509.07

Income tax considerations on future damages . . . CV 315.45

Intentional tort claims; allocation of damages, multiple defendants, interrogatories required

Generally . . . CV 429.09

Other tortious conduct claims, with . . . CV 429.11

**Interrogatories**

Comparative negligence actions, in (See COMPARATIVE NEGLIGENCE, subhead: Interrogatories on future damages)

Intentional tort claims; allocation of damages, multiple defendants, interrogatories required

Generally . . . CV 429.09

Other tortious conduct claims, with . . . CV 429.11

Joinder, denial of . . . CV 315.27

Joint trial of separate claims . . . CV 315.31

Limitation on recovery . . . CV 315.27

Loss of use . . . CV 315.21

Mathematic formula for . . . CV 315.05

Medical expenses, limitation to . . . CV 315.27

Miscarriage . . . CV 315.07

Mitigation, duty of . . . CV 315.51

Mobile home park claims (See MOBILE HOME PARKS)

Mortality table, use of . . . CV 315.43

**Multiple defendants**

Generally . . . CV 315.33

Intentional tort claims; allocation of damages, interrogatories required

Generally . . . CV 429.09

Other tortious conduct claims, with . . . CV 429.11

Negligence actions (See NEGLIGENCE)

Nominal damages . . . CV 315.53

Nuisance, compensatory damages for . . . CV 621.13

**Personal injury**

Generally . . . CV 315.01

Criminal act, civil remedies for injuries resulting from . . . CV 455.01

Final instructions sample . . . CV 207.21

Joint trial of separate claims . . . CV 315.31

Tort actions . . . CV 315.01

**Personal property damage or loss**

Generally . . . CV 315.19

Automobiles . . . CV 315.19

Market value, property without . . . CV 315.23

Product liability . . . CV 451.21

Punitive damages in tort actions on claims . . . CV 315.37

Quotient verdicts . . . CV 315.41

Real property, damage to . . . CV 315.35

Residential lending practices . . . CV 525.19

**RICO offenses**

Acquiring or maintaining interest in enterprise or real property . . . CV 445.13

**DAMAGES—Cont.****RICO offenses—Cont.**

Conducting or participating in affairs of enterprise . . . CV 445.07

Conspiracy to engage in pattern of corrupt activity or collection of unlawful debt . . . CV 445.25

Use or investment of proceeds in acquisition of real property, or establishment or operation of enterprise . . . CV 445.19

Sale of goods, contracts for (See SALE OF GOODS, CONTRACTS FOR (U.C.C.))

Separate claims, joint trial of . . . CV 315.31

Spouse's damages, inclusion or exclusion of . . . CV 315.27

Stillbirth . . . CV 315.07

Subrogation . . . CV 315.25

Substantial defined . . . CV 315.37

**Tort actions**

Business relationship, tortious interference with . . . CV 453.01

Contractual relationship, tortious interference with . . . CV 453.03

Future damages (See subhead: Tort actions based on claim for future damages)

Inheritance, tortious interference with expectancy of . . . CV 453.07

Intentional tort claims; allocation of damages, multiple defendants, interrogatories required

Generally . . . CV 429.09

Other tortious conduct claims, with . . . CV 429.11

Personal injury . . . CV 315.01

Punitive damages on claims . . . CV 315.37

Tort actions based on claim for future damages

Annuity, cost of . . . CV 315.13

One defendant; periodic payments in non-comparative negligence tort actions . . . CV 315.09

Two defendants with interrogatories; periodic payments in comparative negligence tort actions . . . CV 315.11

Wrongful death, compensatory damages for . . . CV 315.49

**DAMAGING OR ENDANGERING**

Criminal . . . CR 509.06

**DEADLOCKED JURY**

Generally . . . CR 429.09; CV 319.07

**DEADLY WEAPON (See WEAPONS, DANGEROUS)****DEATH**

Knowledge of, failure to report . . . CR 521.22(C); CR 521.22(D)

Wrongful (See WRONGFUL DEATH)

**DEFAMATION**

Business relationship, tortious interference with . . . CV 453.01

Contractual relationship, tortious interference with . . . CV 453.03

Damages . . . CV 431.07



[References are to civil (CV) and criminal (CR) instruction numbers.]

### DEFAMATION—Cont.

- Employment relations, tortious interference with . . . CV 453.05
- Private figures
  - Labor dispute involved or qualified privilege applying . . . CV 431.05
  - Public and private issues, involving . . . CV 431.03
- Public figures . . . CV 431.01
- Public officials . . . CV 431.01

### DEFENDANTS (GENERALLY)

- Believe, reasonable cause to . . . CR 417.37
- Comparative negligence claims (See COMPARATIVE NEGLIGENCE, subheads: One defendant; Two or more defendants)
- Interrogation of defendant . . . CR 409.09
- Multiple defendants
  - General instruction . . . CV 311.03
  - Concluding instructions . . . CR 425.05
  - Damage claims . . . CV 315.33
  - Intentional tort claims; allocation of damages, interrogatories required
    - Generally . . . CV 429.09
    - Other tortious conduct claims, with . . . CV 429.11
  - Weighing of evidence from . . . CR 409.15
- Reasonable cause to believe . . . CR 417.37
- Self-representation . . . CR 401.03
- Testimony, refusal or inability to give . . . CR 207.15; CR 409.07

### DEFENSES

- Accident . . . CR 421.01
- Affirmative defenses
  - Generally . . . CR 417.27
  - Automobile negligence . . . CV 411.73
  - Burden of proof (See BURDEN OF PROOF)
  - Concluding instructions . . . CR 425.03; CV 313.05
  - Contract claims (See CONTRACTS, subhead: Affirmative defenses)
  - Discrimination in employment
    - Generally . . . CV 533.21
    - Business necessity . . . CV 533.09
  - Eviction from mobile home park . . . CV 613.11
  - Guarantees, actions involving . . . CV 509.05
  - Product liability . . . CV 451.19
  - Sample final instructions . . . CR 207.19
- Alibi . . . CR 421.03
- Anger as defense to homicide . . . CR 421.11
- Animals, liability for . . . CV 409.03
- Automobile negligence, affirmative defenses for . . . CV 411.73
- Battered person syndrome . . . CR 417.43
- Character . . . CR 421.05
- Concealment of assets . . . CV 447.01
- Contract claims, affirmative defenses in (See CONTRACTS, subhead: Affirmative defenses)
- Conversion, abandonment as defense to . . . CV 625.07
- Defense of another, tests for reasonable . . . CR 421.23
- Discrimination in employment; affirmative defenses
  - Generally . . . CV 533.21
  - Business necessity . . . CV 533.09

### DEFENSES—Cont.

- Drug use as defense to homicide . . . CR 421.11
  - Duress
    - Generally . . . CR 421.15
    - Affirmative defense in contract claim, as . . . CV 501.29
  - Embezzlement . . . CV 447.01
  - Entrapment, unlawful . . . CR 421.17
  - Eviction from mobile home park, affirmative defense to . . . CV 613.11
  - Fraud in real estate sales; *caveat emptor* defense . . . CV 449.13
  - Governmental liability . . . CV 425.11
  - Guarantees, actions involving . . . CV 509.05
  - Insanity defense (See INSANITY DEFENSE)
  - Insurer's defense of exposure to unnecessary danger . . . CV 709.37
  - Intoxication (See INTOXICATION)
  - Malicious prosecution
    - Civil prosecution, malicious . . . CV 439.01
    - Criminal prosecution, malicious . . . CV 439.03
  - Necessity . . . CR 421.13
  - Negligence (See NEGLIGENCE)
  - Other causes of event . . . CR 417.25
  - Product liability, affirmative defenses to . . . CV 451.19
  - Reputation . . . CR 421.05
  - Self-defense
    - Battered person syndrome . . . CR 417.43
    - Bodily harm, against danger of . . . CR 421.19; CR 421.21; CR 421.211
    - Deadly force
      - Defined . . . CR 421.21; CR 421.211
      - Use of . . . CR 421.21; CR 421.211
    - Death or great bodily harm, against danger of . . . CR 421.19; CR 421.21; CR 421.211
    - Defense of another . . . CR 421.191
    - Dwelling defined . . . CR 421.19; CR 421.21
    - Harm to person, against danger of . . . CR 421.19
    - Immediate family defined . . . CR 421.19; CR 421.21
    - Non-deadly force
      - Defined . . . CR 421.19
      - Use of . . . CR 421.191
    - Reasonable grounds and honest belief test . . . CR 421.21; CR 421.211
    - Reasonableness tests . . . CR 421.23
    - Residence defined . . . CR 421.19; CR 421.21
    - Substantial risk defined . . . CR 421.19; CR 421.21; CR 421.191; CR 421.211
    - Tests for reasonableness . . . CR 421.23
    - Vehicle defined . . . CR 421.19
  - Wrongful conveyance . . . CV 447.01
  - Wrongful possession . . . CV 447.01
- ### DELIBERATIONS, INSTRUCTIONS DURING
- Generally . . . CR 101.83; CV 101.83
  - Deadlocked jury . . . CR 429.09; CV 319.07
  - Discussion of case during interruptions, admonition against . . . CV 319.01
  - Interruptions . . . CR 429.01
  - Law, regarding . . . CR 429.07
  - Mistrial declared . . . CV 319.07



[References are to civil (CV) and criminal (CR) instruction numbers.]

**DELIBERATIONS, INSTRUCTIONS DURING—**

Cont.

Questions by jury . . . CR 429.05

Sample final instruction . . . CR 207.33; CV 207.33

Sequestration . . . CR 429.03

Verdict, possibility of or failure to reach . . . CR

429.09; CR 429.11; CV 319.07

**DELIVERY OF INSTRUCTIONS (GENERALLY)**

Generally . . . CR 405.01

Effective delivery

Generally . . . CR 101.09; CV 101.09

General instructions . . . CR 101.79; CV 101.79

Test for . . . CR 101.11; CV 101.11

Time of delivery

Generally . . . CR 101.07; CV 101.07

Stages of trial, throughout . . . CR 101.03; CV 101.03

**DEMONSTRATIONS**

Instructions prior to conducting of . . . CR 401.17; CV 309.17

**DEPOSITIONS**

Generally . . . CR 409.27; CV 309.07

**DEPRIVING OF PROPERTY**

Defined . . . CR 417.13

**DERELICTION OF DUTY**

Detention facilities, officers in . . . CR 521.44(C)

Judicial officers . . . CR 521.44(B)

Law enforcement officers . . . CR 521.44(A); CR 521.44(B)

Ministerial officers . . . CR 521.44(B)

Public officials . . . CR 521.44(D)

Public servants . . . CR 521.44(E)

**DESECRATION**

Generally . . . CR 527.11

**DETAINEES (See PRISONS, PRISONERS AND DE-TAINEES)****DIRECT EVIDENCE**

Defined . . . CR 409.01; CV 305.01

**DISABLED PERSONS AND DISABILITIES**

Assistance dogs (See DOGS)

Blind persons, failure to yield right of way to . . . CV 411.63

Child under age ten, permanent disabling harm to . . . CR 541.1426

Discrimination, employment

Generally . . . CV 533.11

Reasonable accommodation . . . CV 533.13

Identity fraud . . . CR 513.49

Insurance claims for total disability (See INSURANCE, subhead: Disability, total)

Negligence and ordinary care . . . CV 401.09

Service dogs (See DOGS, subhead: Assistance dogs)

Theft or fraud, value and special property . . . CR 425.23; CR 513.02

**DISCHARGE OF JURY**

Generally . . . CR 101.87; CV 101.87

**DISCHARGE OF JURY—Cont.**

Agreement, without . . . CR 429.11

Overnight adjournment . . . CV 317.09

Rights after discharge . . . CR 429.13

**DISCRIMINATION, EMPLOYMENT**

Generally . . . CV 533.01

Adverse impact claims . . . CV 533.07

Business necessity defense . . . CV 533.09

Circumstantial evidence; disparate treatment claims . . . CV 533.03

Constructive discharge . . . CV 533.23

Damages . . . CV 533.25

Defenses, affirmative

Generally . . . CV 533.21

Business necessity . . . CV 533.09

Direct evidence; disparate treatment claims . . . CV 533.05

Disability discrimination

Generally . . . CV 533.11

Reasonable accommodation . . . CV 533.13

Disparate impact claims . . . CV 533.07

Disparate treatment claims

Direct evidence . . . CV 533.05

Indirect evidence . . . CV 533.03

Hostile work environment; sexual harassment . . . CV 533.17

Reasonable accommodation . . . CV 533.13

Retaliation . . . CV 533.19

Sexual harassment

Hostile work environment . . . CV 533.17

Loss of tangible job benefit . . . CV 533.15

**DISORDERLY CONDUCT**

After 3/23/19 . . . CR 517.11(A); CR 517.11(B)

After 1/25/02 but before 3/23/19 . . . CR 517.11(A); CR 517.11(B)

Riot (See RIOT)

**DISPUTED ISSUES**

General instructions . . . CR 101.53; CV 101.53

**DOCUMENTS**

Drug documents, illegal processing of . . . CR 525.23

Residential lending, failure to return original documents related to . . . CV 525.11

Unlawful conduct with respect to documents . . . CR 505.33

**DOGS**

Assistance dogs

Assaulting . . . CR 521.321(C)

Definitions . . . CR 521.321(C); CR 521.321(D)

Harassing . . . CR 521.321(D)

Theft . . . CR 513.02

Failure to confine . . . CR 555.22

Fighting . . . CR 559.03

Liability for . . . CV 409.01

Police dog (See ANIMALS, subhead: Police dog or horse)

Service dogs (See subhead: Assistance dogs)

Theft of . . . CR 513.02

**DOMESTIC VIOLENCE**

Generally . . . CR 519.25



[References are to civil (CV) and criminal (CR) instruction numbers.]

**DOMESTIC VIOLENCE—Cont.**

Sample final instructions . . . CR 207.17

**DRIVER'S LICENSE OFFENSES**

Blank driver's license form, theft, value . . . CR 425.23

Expired license, operation of vehicle with . . . CR 710.12(A)(1)(b)

Financial responsibility suspension, operation of vehicle while under . . . CR 710.16

Motorcycle operated without valid license . . . CR 710.12(A)(2)

OVI suspension, operation of vehicle under . . . CR 710.14

Reinstatement of license after suspension, operation of vehicle without . . . CR 710.21

Restricted license, operation of vehicle in violation of . . . CR 710.11(B)

Suspended license, operation of vehicle under Generally . . . CR 710.11(A)

Financial responsibility suspension . . . CR 710.16

OVI suspension . . . CR 710.14

Reinstatement of license after suspension, operation of vehicle without . . . CR 710.21

Twelve-point suspension . . . CR 710.037

Twelve-point suspension, operation of vehicle under . . . CR 710.037

Valid license, operation of vehicle without

Expired license . . . CR 710.12(A)(1)(b)

Motorcycle . . . CR 710.12(A)(2)

No license ever issued . . . CR 710.12(A)(1)(a)

**DRUGGISTS**

Care, standard of . . . CV 419.01

Ephedrine product, unlawful or improper sale of . . . CR 525.56

Pseudoephedrine product, unlawful or improper sale of . . . CR 525.56

**DRUG OFFENSES****Abuse**

Generally . . . CR 525.11

Instruments, possession of . . . CR 525.12

Intoxicants . . . CR 525.31

Permitting . . . CR 525.13

Aggravated possession . . . CR 525.11

Anabolic steroids, administration or distribution of . . . CR 525.06

Animal drugs, trafficking in . . . CR 525.09(B)

Cocaine, possession of . . . CR 525.11

Corrupting another . . . CR 525.02

Counterfeit controlled substances, offenses involving . . . CR 525.37

Deception to obtain drugs . . . CR 525.22

Defenses based on acting under influence of drugs; homicide . . . CR 421.11

Documents, drug; illegal processing of . . . CR 525.23

**Ephedrine product**

Purchase of, unlawful or improper . . . CR 525.55

Sale of, unlawful or improper . . . CR 525.56

Eviction of tenant for . . . CV 613.05

Forfeiture pursuant to . . . CR 525.42

Funding of drug or marijuana trafficking . . . CR 525.05

**DRUG OFFENSES—Cont.**

Hashish, possession of . . . CR 525.11

Heroin, possession of . . . CR 525.11

Homicide, drug use as defense to . . . CR 421.11

Instruments of drug abuse, possession of . . . CR 525.12

**Intoxicants**

Abuse . . . CR 525.31

Trafficking . . . CR 525.32

LSD, possession of . . . CR 525.11

**Manufacture, illegal**

Generally . . . CR 525.04

Chemicals for, assembly or possession of . . . CR 525.041

**Marijuana**

Aggravated possession . . . CR 525.11

Cultivation . . . CR 525.04

Trafficking, funding of . . . CR 525.05

Nitrous oxide, possession in motor vehicle of . . . CR 525.33

Non-controlled substances, trafficking in . . . CR 525.09(A)

Paraphernalia offenses . . . CR 525.14(C)

**Possession**

Aggravated . . . CR 525.11

Chemicals for manufacture of drugs . . . CR 525.041

Defined . . . CR 417.21

Drug abuse instruments . . . CR 525.12

Nitrous oxide in motor vehicle . . . CR 525.33

**Pseudoephedrine product**

Purchase of, unlawful or improper . . . CR 525.55

Sale of, unlawful or improper . . . CR 525.56

Sale, preparation of drugs for . . . CR 525.07

Samples, dispensing of . . . CR 525.36

Tampering with drugs . . . CR 525.24

Theft of dangerous drugs . . . CR 513.02

**Trafficking**

Generally . . . CR 525.03

Animal drugs . . . CR 525.09(B)

Intoxicants . . . CR 525.32

Marijuana trafficking, funding of . . . CR 525.05

Non-controlled substances . . . CR 525.09(A)

Traffic offenses; operation under influence of alcohol or drugs

Generally . . . CR 711.19

Physical control of vehicle while under influence . . . CR 711.194

Prohibited alcohol or drug concentration, operating with . . . CR 711.19(A)(1)(b)-(j)

Refusal to submit to chemical test . . . CR 711.19(A)(2)

**Watercraft and waterways violations**

Operating vessel under influence of alcohol or drugs . . . CR 547.11(A)(1)

Prohibited alcohol or drug concentration, operating vessel with . . . CR 547.11(A)(2)-(6)

**DURESS****Defense of**

Generally . . . CR 421.15

Affirmative defense in contract claim, as . . . CV 501.29



[References are to civil (CV) and criminal (CR) instruction numbers.]

## E

### EASEMENTS

Generally . . . CV 601.09  
Eminent domain actions, treatment in . . . CV 609.13

### ECONOMIC RELATIONSHIPS, INTERFERENCE WITH

Business relationship, tortious interference with . . . CV 453.01  
Contractual relationship, tortious interference with . . . CV 453.03  
Employment relations, tortious interference with . . . CV 453.05  
Inheritance, tortious interference with expectancy of . . . CV 453.07

### EJECTMENT

Generally . . . CV 601.01

### ELDERLY PERSONS

Identity fraud . . . CR 513.49  
Theft or fraud, value and special property . . . CR 425.23; CR 513.02

### EMANCIPATION

Defined . . . CV 407.21  
Loss of earnings, ability to recover . . . CV 407.21

### EMBEZZLEMENT

Generally . . . CV 447.01

### EMINENT DOMAIN

Generally . . . CV 609.01  
Appraisal of structures . . . CV 609.11  
Compensation  
    Generally . . . CV 609.05  
    Easements . . . CV 609.13  
    Fixtures, valuation of . . . CV 609.15  
    Natural assets, valuation of . . . CV 609.17  
    Potential use considerations . . . CV 609.07  
    Special use property, valuation of . . . CV 609.19  
    Structures, appraisal of . . . CV 609.11  
Concluding instructions . . . CV 609.21  
Damages for loss of value of remaining land . . . CV 609.09  
Easements, treatment of . . . CV 609.13  
Fixtures, valuation of . . . CV 609.15  
Natural assets, valuation of . . . CV 609.17  
Potential use considerations in compensation . . . CV 609.07  
Special use property, valuation of . . . CV 609.19  
Structures, appraisal of . . . CV 609.11  
Verdict . . . CV 323.05; CV 609.23  
View of property by jury . . . CV 609.03

### EMOTIONAL DISTRESS, INFLECTION OF

Intentional . . . CV 429.05  
Negligent . . . CV 429.07

### EMPLOYMENT RELATIONS

Contracts  
    Generally . . . CV 537.01  
    Breach of contract, employer liability for . . . CV 537.15

### EMPLOYMENT RELATIONS—Cont.

#### Contracts—Cont.

Promissory estoppel . . . CV 537.03  
Third party, liability to . . . CV 537.05  
Defamation of private figures involved in labor dispute . . . CV 431.05  
Discrimination (See DISCRIMINATION, EMPLOYMENT)  
Employee injury, disease, condition, or death; employer intentional tort . . . CV 537.09  
Fair representation, union's duty of . . . CV 537.15  
Hostile work environment claim; sexual harassment . . . CV 533.17  
Intentional torts . . . CV 537.09  
Interference with, tortious . . . CV 453.05  
Labor-management disputes . . . CV 537.13  
Liability  
    Employees, to . . . CV 537.15  
    Government employees acting in proprietary function . . . CV 425.03  
    Third parties, to  
        Contract claims . . . CV 537.05  
        Tort claims . . . CV 537.07  
Physical injuries to employees; employer intentional tort . . . CV 537.09  
Sexual harassment  
    Hostile work environment . . . CV 533.17  
    Loss of tangible job benefit . . . CV 533.15  
Torts  
    Employee injury, disease, condition, or death . . . CV 537.09  
    Intentional torts . . . CV 537.09  
    Interference with employment relations, tortious . . . CV 453.05  
    Physical injuries to employees . . . CV 537.09  
    Third parties, liability to . . . CV 537.07  
    Wrongful discharge as public policy tort . . . CV 537.17  
Trade secrets, appropriation of . . . CV 537.11  
Workers' compensation claims (See WORKERS' COMPENSATION CLAIMS)  
Wrongful discharge as public policy tort . . . CV 537.17

### ENDANGERING

Aircraft-airport operations . . . CR 509.08  
Criminal . . . CR 509.06  
Patients . . . CR 503.341

### ENTRAPMENT

Defense of unlawful . . . CR 421.17

### ERROR IN INSTRUCTIONS

Appeal, as basis for . . . CR 101.17; CV 101.17

### ESCAPE

Generally . . . CR 521.34(A)(1)  
Aiding of  
    Generally . . . CR 521.35(B)  
    Conveyance of item into detention facility . . . CR 521.35(A); CR 521.36  
Sexually violent predator . . . CR 521.34(A)(2)



[References are to civil (CV) and criminal (CR) instruction numbers.]

**EVICTIION, RESIDENTIAL**

- Breach of tenant obligations . . . CV 613.03
- Drug activity . . . CV 613.05
- Mobile home parks (See MOBILE HOME PARKS)
- Non-payment of rent
  - Generally . . . CV 613.01
  - Mobile home park tenant . . . CV 613.13

**EVIDENCE**

- Generally . . . CR 101.33; CV 101.33
- Accomplice testimony . . . CR 409.17
- Acts of witnesses, weighing of testimony on . . . CR 409.33
- Audiotapes . . . CR 409.29
- Battered person syndrome . . . CR 417.43
- Circumstantial evidence defined . . . CR 409.01; CV 305.01
- Civil case, results in . . . CR 405.09
- Clear and convincing . . . CV 303.07
- Consciousness of guilt . . . CR 409.13
- Credibility and tests for . . . CR 409.05; CV 305.05
- Custodial interrogation of defendant . . . CR 409.09
- Defined . . . CR 409.01; CV 305.01
- Depositions . . . CR 409.27; CV 309.07
- Destruction of . . . CV 437.01
- Direct evidence defined . . . CR 409.01; CV 305.01
- Exclusions from
  - Generally . . . CR 409.03; CV 305.03
  - Sample final instruction . . . CV 207.09
- Exhibits . . . CR 409.25
- Expert testimony (See EXPERT WITNESSES)
- Eyewitness testimony, credibility of . . . CR 409.05; CV 305.05
- Guilt, consciousness of . . . CR 409.13
- Interpreters and translators
  - Civil trials, in . . . CV 301.13
  - Criminal trials, in . . . CR 401.29
- Interrogation of defendant . . . CR 409.09
- Layman's opinion . . . CR 409.19; CV 309.09
- Limited purpose evidence; instructions during trial . . . CR 401.23; CV 309.05
- Multiple defendants, evidence from . . . CR 409.15
- Polygraph tests . . . CR 409.23
- Preponderance of evidence . . . CR 417.29; CV 303.05
- Presumptions . . . CR 417.33
- Prima facie evidence (See PRIMA FACIE EVIDENCE)
- Prior convictions and acts
  - Concluding instructions . . . CR 425.15
  - Trial, instructions during . . . CR 401.25; CR 409.11
- Sample instructions
  - Evidence and references, sample final instruction for . . . CV 207.07
  - Exclusion, sample final instruction for . . . CV 207.09
  - Inferences, sample final instruction for evidence and . . . CR 207.03
- Spoliation . . . CV 437.01
- Tampering with . . . CR 521.12
- Testimony (See TESTIMONY)
- Transcripts . . . CR 409.27; CV 309.07
- Translators, interpreters and
  - Civil trials, in . . . CV 301.13

**EVIDENCE—Cont.**

- Translators, interpreters and—Cont.
  - Criminal trials, in . . . CR 401.29
- Videotapes . . . CR 409.31

**EXHIBITS**

- Generally . . . CR 409.25
- Sample final instructions . . . CR 207.07

**EXOTIC ANIMALS**

- Offenses related to . . . CR 551.13

**EXPERIMENTS, TESTS OR DEMONSTRATIONS**

- Instructions prior to conducting of . . . CR 401.17; CV 309.17

**EXPERT WITNESSES**

- Generally . . . CR 409.21; CV 309.11
- Fraud, opinions on . . . CV 449.07
- Hypothetical questions . . . CR 409.21; CV 309.11
- Paternity claim, serological tests in . . . CV 705.07
- Polygraph examiners . . . CR 409.23
- Sample final instructions . . . CV 207.15

**EXPLOSIVE DEVICES**

- Illegal assembly or possession of chemicals or substances for manufacturing of . . . CR 509.28
- Possession . . . CR 509.26
- Use, knowing or reckless . . . CR 509.27

**EXTORTION**

- Generally . . . CR 505.11
- Coercion . . . CR 505.12
- Credit, extortionate extension of . . . CR 505.22

**EYEWITNESSES**

- Credibility, weighing of . . . CR 409.05; CV 305.05

**F****FAILURE TO REPORT CRIME**

- Computer, cable, or telecommunications property, unauthorized use of . . . CR 521.22(A)
- Felony . . . CR 521.22(A)
- Gunshot or stab wound . . . CR 521.22(B)

**FAIR HOUSING RIGHTS**

- Interference with . . . CR 527.03

**FALSE ALARMS, MAKING OF**

- Generally . . . CR 517.32

**FALSE ARREST**

- Generally . . . CV 441.01

**FALSE COMPLAINTS, FILING OF**

- Patient abuse and neglect, complaint of . . . CR 503.35

**FALSE LIGHT**

- Invasion of privacy . . . CV 433.05

**FALSE REPORTS, MAKING OF**

- Child abuse or neglect . . . CR 521.14
- Contamination . . . CR 527.24(C)

**FALSE REPRESENTATION**

- Firearm offense . . . CR 521.13



[References are to civil (CV) and criminal (CR) instruction numbers.]

**FALSE REPRESENTATION—Cont.**

Insurance claims . . . CV 709.17

Removal proceeding . . . CR 521.13

Theft offense . . . CR 521.13

**FAMILY OFFENSES**

Abortion offenses (See **ABORTION OFFENSES**)

Bigamy . . . CR 519.01

Consent agreement, violation of . . . CR 519.27

Custody, interference with (See **CUSTODY, INTERFERENCE WITH**)

Delinquency or unruliness of child, contributing to (See **JUVENILE DELINQUENCY**, subhead: Contributing to delinquency or unruliness)

Domestic violence . . . CR 519.25

Endangerment of child . . . CR 519.22

Protection order, violation of . . . CR 519.27

Support orders, violation of

Interference with issuance or modification of order . . . CR 519.231

Nonsupport of dependents

Generally . . . CR 519.21(A); CR 519.21(B)

Contributing to nonsupport of dependents . . . CR 519.21(C)

Unruliness of child, contributing to (See **JUVENILE DELINQUENCY**, subhead: Contributing to delinquency or unruliness)

**FERTILIZATION**

Defined . . . CR 519.171

**FINAL INSTRUCTIONS**

Generally . . . CV 317.07

Closing remarks . . . CR 425.43

Preliminary instructions, repetition of . . . CR 101.29; CV 101.29

Sample instructions

Additional finding . . . CR 207.29

Affirmative defense . . . CR 207.19

Alternate juror . . . CR 207.41

Burden of proof . . . CR 207.11; CV 207.03

Case-specific facts and law . . . CV 207.17

Closing . . . CV 207.39

Closing remarks, common . . . CR 207.31; CV 207.35

Credibility . . . CR 207.05; CV 207.11

Defendant refusing to give testimony . . . CR 207.15

Deliberations, conduct during . . . CR 207.33

Depositions . . . CV 207.13

Domestic violence . . . CR 207.17

Evidence and inferences . . . CR 207.03

Evidence and references . . . CV 207.07

Evidence excludes . . . CV 207.09

Exhibits . . . CR 207.07

Expert witness . . . CV 207.15

Foreperson . . . CR 207.35

Income taxes . . . CV 207.31

Introduction . . . CR 207.01; CV 207.01

Mathematical formula . . . CV 207.23

Mitigate, duty to . . . CV 207.25

Mortality table . . . CV 207.29

Personal injury or damage . . . CV 207.21

Preponderance . . . CR 207.21; CV 207.05

**FINAL INSTRUCTIONS—Cont.**

Sample instructions—Cont.

Present value of future damage . . . CV 207.31

Prior convictions . . . CR 207.09

Proximate cause . . . CV 207.19

Questions by jury . . . CR 207.37; CV 207.37

Quotient verdict . . . CV 207.27

Reasonable doubt . . . CR 207.13

Reasonableness . . . CR 207.25

Testimony, defendant refusing to give . . . CR 207.15

Unanimous verdict . . . CR 207.39

Verdict . . . CR 207.27

Special requests . . . CR 101.35; CR 101.75; CV 101.35; CV 101.75

**FIRE**

Accelerant to initiate or increase growth or spread of fire, use of . . . CR 541.1425

Insurance (See **INSURANCE**, subhead: Fire, loss by)

**FIRE AND POLICE PERSONNEL**

Acts of police, weighing of testimony on . . . CR 409.33

Aggravated vehicular homicide specification, peace officer as victim of . . . CR 541.1414

Dereliction of duty by law enforcement officers . . . CR 521.44(A); CR 521.44(B)

Discharge of firearm at peace officer or correction officer specification . . . CR 541.1412

Failure to obey order of police officer

Generally . . . CR 521.331

Traffic offenses . . . CV 411.03

Impersonation of officer (See **IMPERSONATION OF OFFICER**)

Justice and public administration, offenses against (See **JUSTICE AND PUBLIC ADMINISTRATION, OFFENSES AGAINST**, subhead: Police officers, involving)

Police dog or horse (See **ANIMALS**, subhead: Police dog or horse)

Premises liability, action for . . . CV 617.07

Specifications

Aggravated vehicular homicide, peace officer as victim of . . . CR 541.1414

Discharge of firearm at peace officer or correction officer . . . CR 541.1412

**FIREARMS**

Career criminal, use of firearm by . . . CR 523.132

Concealed handgun license, falsification of or possession revoked or suspended . . . CR 523.1211

Defaced firearm

Generally . . . CR 523.201(A)(2)

Identification marks . . . CR 523.201(A)(1)

Defined . . . CR 417.41

Discharge of firearm at peace officer or correction officer specification . . . CR 541.1412

Displayed, brandished or indicated possession of or used firearm specification (three year) . . . CR 541.145

Falsification to purchase firearm or obtain concealed-handgun license . . . CR 521.13

Gunshot wound, failure to report . . . CR 521.22(B)



[References are to civil (CV) and criminal (CR) instruction numbers.]

**FIREARMS—Cont.**

- Habitation, discharging at or into . . . CR 523.161
- Liquor permit premises, illegal possession in . . . CR 523.121
- Minors, possession by
  - Furnishing to minors . . . CR 523.21
  - Underage purchase . . . CR 523.211(B)
- Motor vehicle, improper handling in . . . CR 523.16
- Prohibited premises, discharging on or near . . . CR 523.162
- Robbery with deadly weapon . . . CR 511.02
- School premises, on or near (See **WEAPONS, DANGEROUS**, subhead: School premises, firearms, weapons or ordnance on or near)
- Specifications
  - Complicity
    - One year . . . CR 541.141
    - Three year . . . CR 541.145
  - Discharge of firearm at peace officer or correction officer . . . CR 541.1412
  - Displayed, brandished or indicated possession of or used firearm (three year) . . . CR 541.145
  - One year . . . CR 541.141
  - Physical harm, deadly weapons and . . . CR 425.21
  - Three year . . . CR 541.145
- Theft of . . . CR 513.02
- Underage purchase . . . CR 523.211(B)
- Violent career criminal, use of firearm by . . . CR 523.132

**FLAG BURNING**

- Generally . . . CR 527.11

**FOOD, SALE OF**

- Adulterated food . . . CV 450.01

**FOOD STAMP FRAUD**

- Illegal use . . . CR 513.46(B); CR 513.46(C)
- Trafficking . . . CR 513.46(A)
- WIC program benefits, illegal use of . . . CR 513.46(B); CR 513.46(C)

**FORCE**

- Defined . . . CR 521.04; CR 521.32(A); CR 521.32(B); CR 521.33

**FORFEITURE**

- Diminishing or interfering with forfeitable property . . . CR 581.07
- Drug offense conviction, pursuant to . . . CR 525.42
- Gang activity, participation in . . . CR 523.44

**FORGERY**

- Generally . . . CR 513.31(A)
- Identification cards . . . CR 513.31(B)

**FRAUD**

- Generally . . . CV 449.01
- Bad checks, passing of . . . CR 513.11
- Concluding instructions . . . CV 449.17
- Credit cards, misuse of . . . CR 513.21
- Creditors, defrauding of . . . CR 513.45
- Damages . . . CV 449.15
- Defense of *caveat emptor* in real estate sales . . . CV 449.13

**FRAUD—Cont.**

- Defined . . . CV 449.01
- Disclosure by person with duty to speak . . . CV 449.11
- Elements . . . CV 449.03
- Expert testimony on . . . CV 449.07
- Food stamps, involving (See **FOOD STAMP FRAUD**)
- Forgery
  - Generally . . . CR 513.31(A)
  - Identification cards . . . CR 513.31(B)
- Fraudulent purpose . . . CR 417.03
- Hostelry, defrauding of . . . CR 513.41
- Identity fraud . . . CR 513.49
- Impersonation of officer (See **IMPERSONATION OF OFFICER**)
- Insurance fraud
  - Generally . . . CR 513.47
  - Agent, by . . . CV 709.55
- Investigation and inspection, duty of . . . CV 449.09
- Livery, defrauding of . . . CR 513.41
- Medicaid fraud
  - Generally . . . CR 513.40
  - Medicaid eligibility fraud . . . CR 513.401
  - Value . . . CR 425.23
- Non-fraudulent types of representations . . . CV 449.05
- Real estate sales, *caveat emptor* in . . . CV 449.13
- Records tampering . . . CR 513.42
- Securing of writings by deception . . . CR 513.43
- Securities claims
  - Common law claims for relief . . . CV 541.09
  - Sales fraud, liability of seller for . . . CV 541.01
- Simulation, criminal . . . CR 513.32
- Slugs, making or using . . . CR 513.33
- Special property, value and . . . CR 425.23
- Telecommunications fraud . . . CR 513.05
- Tortious interference with expectancy of inheritance, as . . . CV 453.07
- Trademark counterfeiting . . . CR 513.34
- Value and special property . . . CR 425.23
- Will contests . . . CV 633.07
- Worker's compensation
  - Generally . . . CR 513.48
  - Value . . . CR 425.23

**FUNCTIONALLY IMPAIRED PERSONS**

- Failure to provide for . . . CR 503.16

**G****GAMBLING**

- Generally . . . CR 515.02
- Bingo games
  - Amusement (legal) games
    - Prohibited games, conducting of . . . CR 515.12
    - Prohibited operators . . . CR 515.11
    - Record violations . . . CR 515.10(A); CR 515.10(C)
    - Rules violations . . . CR 515.09
  - Instant bingo conduct, illegal
    - Generally . . . CR 515.091
    - Owner or lessor, by . . . CR 515.094
  - Veteran's organization, fraternal organization or sporting organization, by . . . CR 515.13



[References are to civil (CV) and criminal (CR) instruction numbers.]

**GAMBLING—Cont.****Bingo games—Cont.**

Non-amusement (illegal) games . . . CR 515.07; CR 515.12

Operating as distributor, illegally . . . CR 515.081

Operating as manufacturer, illegally . . . CR 515.082

Prohibited games (for amusement only) . . . CR 515.12

Raffle conduct, illegal . . . CR 515.092

Casino-related crimes . . . CR 515.15

**Cheating**

Before July 1, 1996 . . . CR 515.05

On or after July 1, 1996 . . . CR 515.05(A)

Game of chance defined . . . CR 515.07

Gaming, public . . . CR 515.04

House of gambling, operation of . . . CR 515.03

Raffle conduct, illegal . . . CR 515.092

Record violations in legal games . . . CR 515.10(A); CR 515.10(C); CR 515.10(I)

Scheme of chance defined . . . CR 515.07

Skill-based amusement machine prohibited conduct . . . CR 515.06

**Sporting events, corruption of**

Before July 1, 1996 . . . CR 515.06

On or after July 1, 1996 . . . CR 515.05(B)

**GAMING (See also GAMBLING)**

Public gaming . . . CR 515.04

Raffle, illegal conduct of . . . CR 515.092

**GANG OFFENSES****Participation in criminal gang**

Generally . . . CR 523.42

Forfeiture for . . . CR 523.44

Specification . . . CR 541.142

**GASOLINE, FAILURE TO MAKE FULL PAYMENT**

Theft or fraud, value and special property . . . CR 513.02

**GENERAL INSTRUCTIONS**

Generally . . . CR 101.47; CR 405.03; CV 101.47

Advisory instructions . . . CR 101.57; CV 101.57

Brevity, importance of . . . CR 101.73; CV 101.73

Burden of proof . . . CR 405.05; CV 303.03

Cautionary instructions . . . CR 101.57; CV 101.57

Civil case, results in . . . CR 405.09

Civil Rules . . . CV 101.45

Completeness and accuracy, necessity for . . . CR 101.69; CV 101.69

Concluding instructions . . . CR 101.59; CR 425.01; CV 101.59

Criminal Rules . . . CR 101.45

Defined . . . CR 101.47; CV 101.47

Delivery . . . CR 101.79; CR 405.01; CV 101.79

Disputed issues . . . CR 101.53; CV 101.53

Guidelines for . . . CR 101.65 *et seq.*; CV 101.65 *et seq.*

Impartiality and fairness, necessity for . . . CR 101.77; CV 101.77

Law, explanation of . . . CR 101.55; CV 101.55

**GENERAL INSTRUCTIONS—Cont.**

Legal terms and expressions, defining . . . CR 101.65; CV 101.65

Logical sequence, importance of . . . CR 101.67; CV 101.67

Objections after . . . CR 101.63; CV 101.63

Objectivity, necessity for . . . CR 101.77; CV 101.77

Ordinary and understandable language, use of . . . CR 101.71; CR 101.81; CV 101.71; CV 101.81

Pertinence of . . . CR 101.69; CV 101.69

Reasonable doubt . . . CR 405.07

Repetition, importance of . . . CR 101.73; CV 101.73

Requests after . . . CR 101.63; CV 101.63

Special requests . . . CR 101.75; CV 101.75

Tailoring to individual case . . . CR 101.75; CV 101.75

Undisputed facts . . . CR 101.51; CV 101.51

Undisputed issues . . . CR 101.49; CV 101.49

Verdict forms and instructions . . . CR 101.59; CR 425.33; CV 101.59

Written instructions . . . CR 101.61; CV 101.61

**GIFTS**

Condition of return, gift upon . . . CV 637.11

Defined . . . CV 637.01

Elements of valid gift . . . CV 637.05

Mortgage or money represented by mortgage, gift of . . . CV 637.09

Presumption of acceptance . . . CV 637.03

Proof required . . . CV 637.07

**GOVERNMENTAL LIABILITY**

Buildings or grounds, failure to maintain . . . CV 425.07

Damages . . . CV 425.15

Defenses . . . CV 425.11

Employees acting in proprietary function, negligence of . . . CV 425.03

Ice and snow accumulations, failure to remove . . . CV 425.05

Immunity for discretionary functions . . . CV 425.11

Motor vehicle, negligent operation of . . . CV 425.01

**Negligence**

Buildings or grounds, failure to maintain . . . CV 425.07

Employees acting in proprietary function . . . CV 425.03

Ice and snow accumulations, failure to remove . . . CV 425.05

Motor vehicle, operation of . . . CV 425.01

Roads and bridges, maintenance of . . . CV 425.05

Roads and bridges, improper maintenance of . . . CV 425.05

Statute of limitations . . . CV 425.13

Statutes, under specific . . . CV 425.09

**GRAND JURIES**

Instructions to . . . CR 301.07

**Oath**

Court reporters . . . CR 301.05

Jurors . . . CR 301.03

Qualification . . . CR 301.01



[References are to civil (CV) and criminal (CR) instruction numbers.]

## **GUARANTEES**

Affirmative defenses . . . CV 509.05  
 Damages . . . CV 509.07  
 Defined . . . CV 509.01  
 Liability of parties . . . CV 509.03

## **GUILT**

Evidence of consciousness of . . . CR 409.13

# **H**

## **HARASSMENT**

### **Animals**

Assistance dogs . . . CR 521.321(D)  
 Police dog or horse . . . CR 521.321(B)  
 Assistance dogs . . . CR 521.321(D)  
 Hunters, of . . . CR 551.07  
 Inmate, by . . . CR 521.38  
 Police dog or horse . . . CR 521.321(B)  
 Sexual harassment, employment discrimination claims  
 involving  
 Hostile work environment . . . CV 533.17  
 Loss of tangible job benefit . . . CV 533.15  
 Telecommunications, via . . . CR 517.21(A); CR  
 517.21(B)

## **HAZING**

Generally . . . CR 503.31

## **HEIRS**

Determination of . . . CV 701.15

## **HOMICIDE**

Anger defense . . . CR 421.11  
 Drugs, while under influence of; defense . . . CR  
 421.11  
 Intoxication defense . . . CR 421.11  
 Manslaughter (See MANSLAUGHTER)  
 Murder (See MURDER)  
 Negligent . . . CR 503.05  
 Pregnancy, unlawful termination of (See PREGNANCY,  
 UNLAWFUL TERMINATION OF)  
 Reckless . . . CR 503.041  
 Vehicular (See VEHICULAR HOMICIDE)

## **HORSES**

Police horse (See ANIMALS, subhead: Police dog or  
 horse)

## **HOSPITALS**

Medical negligence claim against . . . CV 417.15

## **HOTELS (See INNKEEPERS)**

## **HUMAN TRAFFICKING**

Generally . . . CR 505.32; CR 541.1422

## **HUNTING OFFENSES (See WILDLIFE VIOLA- TIONS)**

## **HUSBAND AND WIFE**

Adultery, proof of . . . CV 701.05  
 Bigamy . . . CR 519.01  
 Burden of proof  
 Adultery . . . CV 701.05  
 Support claim . . . CV 701.03

## **HUSBAND AND WIFE—Cont.**

Common law marriage . . . CV 701.15  
 Credit of husband, goods purchased on . . . CV 701.13  
 Damage claims, denial of joinder of . . . CV 315.27  
 Family offenses (See FAMILY OFFENSES)  
 Heirs, determination of . . . CV 701.15  
 Liability  
 Negligence of wife, liability of husband for . . . CV  
 701.09  
 Support, liability of husband for (See SPOUSAL  
 SUPPORT, subhead: Liability of husband for)  
 Negligence of wife, liability of husband for . . . CV  
 701.09

## **HYPOTHETICAL QUESTIONS**

Expert witnesses, of . . . CR 409.21; CV 309.11

# **I**

## **IDENTITY FRAUD**

Generally . . . CR 513.49

## **IMPERSONATION OF OFFICER**

Generally . . . CR 513.44; CR 521.51(B)  
 Arrest or search, in . . . CR 521.51(C)  
 Offense, in commission of . . . CR 521.51(D); CR  
 521.51(E)

## **IMPROPER QUESTIONS**

Generally . . . CV 309.23

## **INDEPENDENT CONTRACTORS**

Agency liability . . . CV 423.07

## **INFECTIOUS AGENTS**

Improper handling . . . CR 517.47

## **INFERENCES**

Defined . . . CR 409.01; CV 305.01

## **INNKEEPERS**

Defined . . . CV 415.01  
 Defrauding of hostelry . . . CR 513.41  
 Loss of guest's property, liability for  
 Generally . . . CV 415.01  
 Checkout, after . . . CV 415.05  
 Special arrangements . . . CV 415.03

## **INSANITY DEFENSE**

Burden of proof . . . CR 421.29  
 Concluding instructions . . . CR 421.29  
 Defined . . . CR 421.25  
 Intoxication, voluntary . . . CR 421.27  
 Temporary insanity . . . CR 421.27  
 Types of . . . CR 421.27

## **INSTRUCTIONS (GENERALLY)**

Advisory instructions . . . CR 101.57; CV 101.57  
 Appeal on instructions  
 Generally . . . CR 101.15; CV 101.15  
 Error and prejudice . . . CR 101.17; CV 101.17  
 Cautionary instructions . . . CR 101.57; CV 101.57  
 Concluding instructions . . . CR 101.59; CR 425.01;  
 CV 101.59  
 Defined . . . CR 101.01; CV 101.01



[References are to civil (CV) and criminal (CR) instruction numbers.]

### INSTRUCTIONS (GENERALLY)—Cont.

- Deliberations, during (See DELIBERATIONS, INSTRUCTIONS DURING)
- Delivery (See DELIVERY OF INSTRUCTIONS (GENERALLY))
- Discharge instructions (See DISCHARGE OF JURY)
- Error and prejudice distinguished . . . CR 101.17; CV 101.17
- Evidential instructions . . . CR 101.33; CV 101.33
- Final instructions (See FINAL INSTRUCTIONS)
- General instructions (See GENERAL INSTRUCTIONS)
- Judge, role of . . . CR 101.05; CV 101.05
- Prejudice and error distinguished . . . CR 101.17; CV 101.17
- Preliminary instructions (See PRELIMINARY INSTRUCTIONS)
- Record requirements . . . CR 101.13; CV 101.13
- Stages of trial, during . . . CR 101.03; CV 101.03
- Standard instructions . . . CR 101.19; CV 101.19
- Time of delivery
  - Generally . . . CR 101.07; CV 101.07
  - Stages of trial, throughout . . . CR 101.03; CV 101.03
- Trial, before . . . CR 101.25; CV 101.25
- Trial, during (See TRIAL, INSTRUCTIONS DURING)
- Written instructions . . . CR 101.61; CV 101.61

### INSURANCE

- Accident
  - Generally . . . CV 709.27
- Accidental means distinguished
  - Generally . . . CV 709.31
  - Burden of proof . . . CV 709.33
- Death from
  - Generally . . . CV 709.29
  - Accidental means distinguished . . . CV 709.33
- Injury, burden of proof in . . . CV 709.25
- Arm, loss of . . . CV 709.57
- Arson . . . CV 709.11
- Automobile insurance, intoxication exclusion in policy for . . . CV 709.39
- Bad faith, refusal to pay or delay in paying claims as . . . CV 709.65
- Beneficiary, intended . . . CV 709.43
- Burden of proof
  - Accidental injury . . . CV 709.25
  - Accident or disease, death from
    - Generally . . . CV 709.29
    - Accidental means distinguished . . . CV 709.33
  - Exempted risk defense . . . CV 709.37
  - False answer material . . . CV 709.51
  - False representation . . . CV 709.17
  - Limited purpose of proofs . . . CV 709.05
  - Loss . . . CV 709.01
  - Time of proof . . . CV 709.03
  - Unsound health . . . CV 709.45
  - Waiver . . . CV 709.01
- Chimney fire . . . CV 709.23
- Defense of exposure to unnecessary danger . . . CV 709.37
- Disability, total
  - Defined . . . CV 709.59
  - Loss of arm . . . CV 709.57

### INSURANCE—Cont.

- Disability, total—Cont.
  - Permanent, and . . . CV 709.61
- Disease
  - Generally . . . CV 709.27
  - Death from . . . CV 709.29
- Explosion, loss by . . . CV 709.13
- Exposure to unnecessary danger
  - Generally . . . CV 709.35
  - Exempted risk, as . . . CV 709.37
- False representation . . . CV 709.17
- Fire, loss by
  - Generally . . . CV 709.13
  - Arson . . . CV 709.11
  - Chimney fire . . . CV 709.23
  - Proof of loss
    - Generally . . . CV 709.01
    - Limited purpose of proofs . . . CV 709.05
  - Total loss . . . CV 709.15
  - Vacant and unoccupied premises . . . CV 709.09
- Fraud
  - Generally . . . CR 513.47
  - Agent, by . . . CV 709.55
- Good faith in processing insurance claim, failure to act in . . . CV 709.65
- Health of insured, representations of
  - False answer material, burden of proving . . . CV 709.51
  - Good health . . . CV 709.53
  - Sound health . . . CV 709.47
  - Unsound health, burden of proving . . . CV 709.45
- Insurable interest . . . CV 709.19
- Intoxication exclusion in automobile policy . . . CV 709.39
- Loss, proof of
  - Generally . . . CV 709.01
  - “Earliest practical moment” requirement . . . CV 709.07
  - Limited purpose of proofs . . . CV 709.05
  - Time of proof . . . CV 709.03
- Sanity, presumption of . . . CV 709.49
- Steamboat, on . . . CV 709.21
- Supplemental actions . . . CV 709.63
- Theft defined . . . CV 709.41
- Title insurance agents, violations by . . . CV 525.21
- Waiver, proof of . . . CV 709.01

### INTENTIONAL TORT CLAIMS

- Allocation of damages, multiple defendants, interrogatories required
  - Generally . . . CV 429.09
  - Other tortious conduct claims, with . . . CV 429.11
- Employer intentional torts . . . CV 537.09

### INTERFERE

- Definition . . . CR 521.33

### INTERPRETERS

- Civil trials, use in . . . CV 301.13
- Criminal trials, use in . . . CR 401.29

### INTERROGATORIES

- Generally . . . CR 101.39; CV 101.39; CV 309.07; CV 321.01



[References are to civil (CV) and criminal (CR) instruction numbers.]

### INTERROGATORIES—Cont.

- Advisory juries . . . CR 101.37; CV 101.37
- Answers to, acceptance of . . . CR 101.43; CV 101.43
- Failure to answer; instructions during deliberations . . . CV 319.07
- Intentional tort claims; allocation of damages, multiple defendants
  - Generally . . . CV 429.09
  - Other tortious conduct claims, with . . . CV 429.11
- Narrative response interrogatories . . . CR 101.41; CV 101.41
- Negligence actions
  - Comparative fault (See COMPARATIVE FAULT, subhead: Interrogatories on future damages)
  - Comparative negligence (See COMPARATIVE NEGLIGENCE, subhead: Interrogatories on future damages)
  - Medical . . . CV 417.19
  - Professional, non-medical . . . CV 421.07
- Product liability . . . CV 451.23
- Special verdicts . . . CR 101.37; CV 101.37

### INTIMIDATION

- Generally . . . CR 521.03
- Attorney, of . . . CR 521.04
- Defined . . . CR 521.04; CR 521.32(A); CR 521.32(B)
- Ethnic intimidation . . . CR 527.12
- Victim, of . . . CR 521.04
- Witness, of . . . CR 521.04

### INTOXICANTS

- Abuse of . . . CR 525.31
- Liability for service of
  - Generally . . . CV 413.01
  - Civil Damages Act, under . . . CV 413.07
- Damages
  - Generally . . . CV 413.11
  - Civil Damages Act, under . . . CV 413.07
- Minor, liability to . . . CV 413.13
- Off-premises liability . . . CV 413.05
- On-premises liability . . . CV 413.03
- Social provider, of . . . CV 413.09
- Trafficking in . . . CR 525.32

### INTOXICATION

- Defense of
  - Generally . . . CR 421.07
  - Homicide cases . . . CR 421.11
  - Insanity defense . . . CR 421.27
  - Non-homicide cases . . . CR 421.09
  - Purpose and . . . CR 421.09 *et seq.*
- Homicide cases, defenses in . . . CR 421.11
- Insanity defense, as basis for . . . CR 421.27
- Insurance policy intoxication exclusion . . . CV 709.39
- Negligence claim . . . CV 401.17
- Purpose and . . . CR 421.09 *et seq.*
- Traffic offenses (See ALCOHOL OFFENSES, subhead: Traffic offenses)
- Watercraft and waterways violations (See ALCOHOL OFFENSES, subhead: Watercraft and waterways violations)
- Weapons use while intoxicated . . . CR 523.15

### INVOLUNTARY MANSLAUGHTER

- Generally . . . CR 503.04

### ISSUES, PRESENTATION OF

- Generally . . . CR 413.01
- Negligence (See NEGLIGENCE)
- Paternity claims . . . CV 705.01
- Robbery, aggravated; examples
  - Generally . . . CR 413.03
  - Lesser included offense, with . . . CR 413.05
- Time . . . CR 413.07
- Venue . . . CR 413.07

## J

### JOINDER

- Damage claims, denial in . . . CV 315.27

### JOINT TRIAL

- Damages, separate claims for . . . CV 315.31

### JOINT VENTURES

- Agency liability . . . CV 423.05

### JUDGES (GENERALLY)

- Dereliction of duty by judicial officers . . . CR 521.44(B)
- Role in instructions . . . CR 101.05; CV 101.05

### JURIES AND JURORS (GENERALLY)

- Admonitions to jury . . . CV 301.07
- Advisory juries . . . CR 101.37; CV 101.37
- Alternate jurors
  - Closing instructions regarding . . . CR 425.39; CV 317.05
  - Sample final instruction . . . CR 207.41
- Appreciation of service . . . CR 425.41
- Deadlocked jury . . . CR 429.09; CV 319.07
- Deliberations
  - Conduct during . . . CR 425.37
  - Instructions during (See DELIBERATIONS, INSTRUCTIONS DURING)
- Discharge of jury (See DISCHARGE OF JURY)
- Discussion of case after verdict . . . CR 425.41
- Foreperson, sample final instruction for . . . CR 207.35
- Grand juries (See GRAND JURIES)
- Jury view (See subhead: Scene visits)
- Notetaking by jurors . . . CR 401.19; CV 301.09
- Oath
  - Grand jurors . . . CR 301.03
  - Instructions before administration of . . . CV 301.01
  - Officer in charge during sequestration . . . CR 429.03
- Orientation of new jury . . . CR 401.07; CV 301.05
- Overnight adjournment . . . CV 317.09
- Paternity actions, duty in . . . CV 705.15
- Qualifying of jury
  - Grand jury . . . CR 301.01
  - Trial, instructions during . . . CR 401.01; CV 301.03
- Questions by jurors
  - Deliberations, during . . . CR 429.05
  - Sample final instructions . . . CR 207.37; CV 207.37



[References are to civil (CV) and criminal (CR) instruction numbers.]

### **JURIES AND JURORS (GENERALLY)—Cont.**

#### **Questions by jurors—Cont.**

Trial, during . . . CR 401.21; CV 301.11

#### **Recess instructions**

Generally . . . CR 401.11; CV 309.13

Extended recess and separate hearings . . . CR 401.13

Overnight adjournment . . . CV 317.09

#### **Scene visits**

Generally . . . CR 401.15; CV 309.15

Eminent domain actions . . . CV 609.03

#### **Selection (See VOIR DIRE)**

#### **Sequestration . . . CR 429.03**

#### **Swearing in, instructions after . . . CR 401.09**

#### **Voir dire (See VOIR DIRE)**

### **JUSTICE AND PUBLIC ADMINISTRATION, OFFENSES AGAINST**

#### **Arrest, resisting . . . CR 521.33**

#### **Bribery**

Generally . . . CR 521.02

Solicitation by public official, improper (See SOLICITATION, subhead: Compensation by public official, improper)

#### **Burn injury, failure to report . . . CR 521.22(E)**

#### **Cable, failure to report unauthorized use of . . . CR 521.22(A)**

#### **Civil rights**

Deprivation of . . . CV 713.01

Interference with . . . CR 521.45

#### **Compounding of crime . . . CR 521.21**

#### **Computer, cable, or telecommunications property, failure to report unauthorized use of . . . CR 521.22(A)**

#### **Confidential information, disclosure of . . . CR 521.24**

#### **Death, failure to report knowledge of . . . CR 521.22(C); CR 521.22(D)**

#### **Dereliction of duty (See DERELICTION OF DUTY)**

#### **Escape (See ESCAPE)**

#### **Evidence tampering . . . CR 521.12**

#### **Failure to report crime**

Computer, cable, or telecommunications property, failure to report unauthorized use of . . . CR 521.22(A)

Felony . . . CR 521.22(A)

Gunshot or stab wound . . . CR 521.22(B)

#### **False reports, making of**

Child abuse or neglect . . . CR 521.14

Contamination . . . CR 527.24(C)

#### **Falsification**

Firearm offense . . . CR 521.13

Insurance claims . . . CV 709.17

Removal proceeding . . . CR 521.13

Theft offense . . . CR 521.13

#### **Felony, failure to report . . . CR 521.22(A)**

#### **Gunshot wound, failure to report . . . CR 521.22(B)**

#### **Impersonation of officer (See IMPERSONATION OF OFFICER)**

#### **Inmate, harassment by . . . CR 521.38**

#### **Intimidation (See INTIMIDATION)**

#### **Obstruction**

Justice (See OBSTRUCTION OF JUSTICE)

Official business . . . CR 521.31

#### **Official business, obstructing . . . CR 521.31**

### **JUSTICE AND PUBLIC ADMINISTRATION, OFFENSES AGAINST—Cont.**

#### **Perjury . . . CR 521.11**

#### **Police dog or horse, offense against (See ANIMALS, subhead: Police dog or horse)**

#### **Police officers, involving**

Dereliction of duty . . . CR 521.44(A); CR 521.44(B)

Failure to comply with order or signal . . . CR 521.331; CV 411.03

Impersonation of (See IMPERSONATION OF OFFICER)

#### **Public contract, unlawful interest in . . . CR 521.42**

#### **Public employees, restrictions on present or former . . . CR 521.17**

#### **Public officials, involving**

Dereliction of duty . . . CR 521.44(D); CR 521.44(E)

Disruption of activities of . . . CR 521.31

Restrictions on present or former officials . . . CR 521.17

Solicitation of compensation by, improper (See SOLICITATION, subhead: Compensation by public official, improper)

#### **Retaliation . . . CR 521.05**

#### **Sham legal process, use of . . . CR 521.52**

#### **Stab wound, failure to report . . . CR 521.22(B)**

#### **Telecommunications property, failure to report unauthorized use of . . . CR 521.22(A)**

#### **Theft in office . . . CR 521.41**

#### **Weapons conveyed into detention facility . . . CR 521.35(A); CR 521.36**

### **JUVENILE DELINQUENCY**

#### **Contributing to delinquency or unruliness**

Offenses before 1/1/2002 . . . CR 519.24

Offenses on or after 1/1/2002 . . . CR 519.24(B)(1); CR 519.24(B)(2)

Offenses on or after 1/1/2002 but before 7/31/2003 . . . CR 519.24(A)(3)

Offenses on or after 7/31/2003 but before 4/6/2017 . . . CR 519.24(A)(3)

Offenses on or after 4/6/2017 . . . CR 519.24(B)(3); CR 519.24(B)(4)

## **K**

### **KIDNAPPING**

#### **Generally . . . CR 505.01(A)**

#### **Abduction . . . CR 505.02**

#### **Child enticement, criminal . . . CR 505.05**

#### **Child stealing . . . CR 505.04**

#### **Special circumstances . . . CR 505.01(B)**

### **KNOWINGLY ACTING**

#### **Defined . . . CR 417.11**

## **L**

### **LABOR RELATIONS (See also EMPLOYMENT RELATIONS)**

#### **Defamation of private figures involved in labor dispute . . . CV 431.05**



[References are to civil (CV) and criminal (CR) instruction numbers.]

# **LABOR RELATIONS (See also EMPLOYMENT RELATIONS)—Cont.**

Fair representation, union's duty of . . . CV 537.15  
Management-labor disputes . . . CV 537.13

# **LANDLORD AND TENANT**

Eviction, residential (See **EVICTON, RESIDENTIAL**)  
Mobile home parks (See **MOBILE HOME PARKS**)  
Premises liability

Landlord (See **PREMISES LIABILITY**, subhead: Landlord liability)

Tenant . . . CV 617.21

Rent, eviction for non-payment of  
Generally . . . CV 613.01

Mobile home park tenant . . . CV 613.13

Security deposit, return of  
Generally . . . CV 613.07

Mobile home park tenant . . . CV 613.33

# **LAW, EXPLANATION OF**

Deliberations, during . . . CR 429.07

General instructions, challenges in . . . CR 101.55; CV 101.55

# **LAW OF INSTRUCTIONS**

Generally . . . CR 101.01 *et seq.*; CV 101.01 *et seq.*

# **LAYMAN'S OPINION**

Generally . . . CR 409.19; CV 309.09

# **LEMON LAW**

Generally . . . CV 529.01

# **LESSER INCLUDED OFFENSES**

Concluding instructions

Generally . . . CR 425.09

Purpose of submitting . . . CR 425.11

Robbery, aggravated; examples . . . CR 413.05

# **LIABILITY**

Agency liability (See **AGENCY LIABILITY**)

Alcoholic beverages, service of (See **INTOXICANTS**, subhead: Liability for service of)

Animals, for (See **ANIMALS**, subhead: Liability for)  
Employment relations (See **EMPLOYMENT RELATIONS**)

Governmental (See **GOVERNMENTAL LIABILITY**)  
Guarantees, actions involving . . . CV 509.03

Husband and wife

Negligence of wife, liability of husband for . . . CV 701.09

Support, liability of husband for (See **SPOUSAL SUPPORT**, subhead: Liability of husband for)

Innkeepers (See **INNKEEPERS**, subhead: Loss of guest's property, liability for)

Premises liability (See **PREMISES LIABILITY**)

Product liability (See **PRODUCT LIABILITY**)

Support, liability of husband for (See **SPOUSAL SUPPORT**, subhead: Liability of husband for)

Sureties (See **SURETIES**)

# **LIKENESS, APPROPRIATION OF**

Invasion of privacy . . . CV 433.07

# **LIMITED PURPOSE EVIDENCE**

Trial, instructions during . . . CR 401.23; CV 309.05

# **LOITERING**

Solicitation, to engage in . . . CR 507.241

# **M**

# **MALICE**

Business relationship, tortious interference with . . . CV 453.01

Civil conspiracy; plaintiff's claim . . . CV 443.01

Contractual relationship, tortious interference with . . . CV 453.03

Defined . . . CV 439.01

Employment relations, tortious interference with . . . CV 453.05

Malicious combination defined for civil conspiracy claim . . . CV 443.01

Malicious prosecution

Civil malicious prosecution . . . CV 439.01

Criminal malicious prosecution . . . CV 439.03

Unfair competition by malicious litigation . . . CV 439.05

# **MALICIOUS PROSECUTION**

Civil malicious prosecution . . . CV 439.01

Criminal malicious prosecution . . . CV 439.03

# **MALPRACTICE**

Generally (See **PROFESSIONAL NEGLIGENCE**)

Medical (See **MEDICAL NEGLIGENCE**)

# **MANSLAUGHTER**

Abortion manslaughter . . . CR 519.13(A); CR 519.13(B)

Involuntary . . . CR 503.04

Pregnancy, unlawful termination of

Involuntary manslaughter . . . CR 503.04

Voluntary manslaughter . . . CR 503.03

Vehicular . . . CR 503.06

Voluntary . . . CR 503.03

# **MANUFACTURED HOME PARKS (See MOBILE HOME PARKS)**

# **MASSAGE**

Advertising of, unlawful . . . CR 527.24

Establishments, prohibited activities for . . . CR 507.42

# **MEDICAID FRAUD**

Generally . . . CR 513.40

Medicaid eligibility fraud . . . CR 513.401

Value and special property . . . CR 425.23

# **MEDICAL EXPENSES**

Damage award limited to . . . CV 315.27

# **MEDICAL INFORMATION**

Unauthorized disclosure of nonpublic medical information

Generally . . . CV 457.01

Inducement of . . . CV 457.03

# **MEDICAL NEGLIGENCE**

Generally . . . CV 417.01

Agents and employees of physicians . . . CV 417.11

Chance of survival or recovery, loss of less-than-even . . . CV 417.17



[References are to civil (CV) and criminal (CR) instruction numbers.]

**MEDICAL NEGLIGENCE—Cont.**

- Employees and agents of physicians . . . CV 417.11
- Hospital as defendant . . . CV 417.15
- Informed consent, lack of
  - Generally . . . CV 417.07
  - Defense, statutory . . . CV 417.09
- Interrogatories . . . CV 417.19
- Res ipsa loquitur . . . CV 417.05
- Standards of care
  - Generally . . . CV 417.03
  - Physicians and surgeons . . . CV 417.13

**MENACING**

- Generally . . . CR 503.22
- Aggravated . . . CR 503.21
- Stalking, by . . . CR 503.211

**MINORS (See also CHILDREN)**

- Abortion performed on woman under 18, unlawful
  - . . . CR 519.12(B); CR 519.121
- Automobile, operation of
  - Generally . . . CV 407.09
  - Parent, guardian, or other responsible person, liability of . . . CV 411.79
- Earnings, recovery for loss of . . . CV 407.21
- Firearms, possession of
  - Furnishing to minor . . . CR 523.21
  - Underage purchase . . . CR 523.211(B)
- Intoxicants, social provider's liability to minor for
  - . . . CV 413.13
- Obstruction of justice, where defendant aided minor
  - . . . CR 521.32(B)
- Sex offenses involving (See SEX OFFENSES)

**MISCARRIAGE**

- Damages . . . CV 315.07

**MISCHIEF, CRIMINAL**

- Generally . . . CR 509.07

**MISTAKE OF FACT**

- Generally . . . CR 417.05
- Contracts (See CONTRACTS)

**MISTRIAL**

- Verdict, failure to reach; instructions during deliberations . . . CV 319.07

**MOBILE HOME PARKS**

- Damages, claim for
  - Park operator, by; violation of statutory obligations
    - . . . CV 613.17
  - Resident, by
    - Illegal acts of park operator . . . CV 613.31
    - Obligation of park operator, violation of . . . CV 613.15
    - Prohibited conduct of park operator . . . CV 613.25
- Eviction
  - Holding over term
    - Owner . . . CV 613.21
    - Tenant . . . CV 613.23
  - Non-payment of rent . . . CV 613.13
  - Retaliatory conduct of park operator
    - Generally . . . CV 613.09

**MOBILE HOME PARKS—Cont.**

- Eviction—Cont.
  - Retaliatory conduct of park operator—Cont.
    - Affirmative defense . . . CV 613.11
  - Rules of park or safety code, violation of
    - First violation . . . CV 613.27
    - Second violation . . . CV 613.29
  - Termination of term resulting from sale of park
    - . . . CV 613.19
- Retaliatory conduct of park operator in eviction
  - Generally . . . CV 613.09
  - Affirmative defense . . . CV 613.11
- Security deposit, claim for return of . . . CV 613.33

**MONEY LAUNDERING**

- Terrorism, in support of . . . CR 509.29

**MORTGAGES (See also RESIDENTIAL LENDING PRACTICES)**

- Conversion of chattel by mortgagee . . . CV 625.05
- Gift of mortgage or money represented by mortgage
  - . . . CV 637.09

**MOTIVE**

- Proof of . . . CR 417.01
- Transferred intent . . . CR 417.01

**MOTOR VEHICLES (See AUTOMOBILES AND OTHER MOTOR VEHICLES)****MULTIPLE COUNTS**

- Concluding instructions . . . CR 425.07

**MULTIPLE PARTIES**

- General instruction . . . CV 311.03
- Defendants, multiple (See DEFENDANTS (GENERALLY))

**MURDER**

- Generally . . . CR 503.02
- Aggravated; death penalty
  - Sentencing phase . . . CR 503.011
  - Trial phase . . . CR 503.01
- Pregnancy, unlawful termination of
  - Generally . . . CR 503.02
  - Aggravated; death penalty . . . CR 503.01

**N****NAME, APPROPRIATION OF**

- Invasion of privacy . . . CV 433.07

**NATURAL ASSETS**

- Eminent domain actions, valuation in . . . CV 609.17

**NECESSITY**

- Defense of . . . CR 421.13

**NEGLECT (See ABUSE AND NEGLECT)****NEGLIGENCE**

- Generally . . . CV 401.01
- Accident, defense of . . . CR 421.01
- Act of God . . . CV 401.25
- Assault, negligent . . . CR 503.14



[References are to civil (CV) and criminal (CR) instruction numbers.]

## NEGLIGENCE—Cont.

### Automobile negligence

- Affirmative defenses . . . CV 411.73
- Assured clear distance . . . CV 411.19
- Care, degree of . . . CV 411.01
- Damages . . . CV 315.19
- Governmental liability for negligent operation of motor vehicle . . . CV 425.01
- Guardian, liability of . . . CV 411.79
- Illuminating devices, failure to use . . . CV 411.71
- Lights, failure to display . . . CV 411.71
- Loss of consciousness or other medical emergency . . . CV 401.21
- Marked lanes, failure to drive in . . . CV 411.37
- Matter of law, distinguished from negligence as . . . CV 411.01
- Minor, liability of parent, guardian, or other responsible person . . . CV 411.79
- Order or signal of police officer, failure to comply with . . . CV 411.03
- Owner of vehicle, liability of
  - Generally . . . CV 411.75
  - Passenger not operator, owner as . . . CV 411.77
- Parent, guardian, or other responsible person, liability of . . . CV 411.79
- Passenger not operator, liability of owner when . . . CV 411.77
- Per se negligence . . . CV 411.01
- Private property, traffic rules on . . . CV 411.07
- Reasonable control of vehicle . . . CV 411.15
- Safety of persons or property, operation in willful or wanton disregard of . . . CV 411.13
- Tire or mechanical failure
  - Generally . . . CV 401.23
  - Affirmative defenses . . . CV 411.73
- Unsafe vehicle, operation of . . . CV 411.69

### Blackout as excuse

- Generally . . . CV 401.21
- Affirmative defenses for automobile negligence . . . CV 411.73

### Burden of proof of defenses

- Act of God . . . CV 401.25
- Loss of consciousness or other medical emergency . . . CV 401.21

### Causation (See subhead: Proximate cause)

### Caution signs, effect of presence of . . . CV 401.19

### Children, actions by or involving

- Generally . . . CV 407.01
- Administrator, action by . . . CV 407.17
- Child under 7, negligence by . . . CV 407.03
- Comparative negligence; duty of parents . . . CV 407.15
- Concluding instructions . . . CV 407.13
- Damages . . . CV 407.17
- Duty of parents . . . CV 407.15
- Imputation of parents' negligence . . . CV 407.11
- Ordinary care (See subhead: Ordinary care)
- Statutory violation by child . . . CV 407.07
- Tort of child, liability of parents for . . . CV 407.19

### Common carriers . . . CV 401.35

### Comparative negligence (See COMPARATIVE NEGLIGENCE)

## NEGLIGENCE—Cont.

### Conclusions

- Children, actions by or involving . . . CV 407.13
- Comparative negligence (See COMPARATIVE NEGLIGENCE)
- Defendant negligence, without . . . CV 406.03; CV 406.05
- Plaintiff negligence, without . . . CV 406.01; CV 406.03

### Concurrent but independent negligence . . . CV 401.39

### Counterclaim, submission of . . . CV 311.07

### Criminal negligence defined . . . CR 417.19

### Custom . . . CV 401.03

### Damages

- Generally (See DAMAGES)
- Interrogatories in comparative negligence actions (See COMPARATIVE NEGLIGENCE, subhead: Interrogatories on future damages)
- Submission of causation and/or damage only . . . CV 311.05

### Dangerous substances, ordinary care involving . . . CV 401.11

### Defenses

- Accident, unavoidable . . . CR 421.01
- Affirmative defenses for automobile negligence . . . CV 411.73
- Burden of proof (See subhead: Burden of proof of defenses)
- Informed consent, statutory defense to lack of . . . CV 417.09
- Professional, non-medical; defense of client negligence . . . CV 421.05

### Defined . . . CR 417.19; CV 401.01

### Disability, person under . . . CV 401.09

### Due care, lapse of . . . CR 417.19

### Duty to look . . . CV 401.05

### Emergency, sudden

- Affirmative defenses for automobile negligence . . . CV 411.73
- Automobile negligence, affirmative defenses for . . . CV 411.73

### Care, duty of . . . CV 401.13

### Legal excuse . . . CV 401.15

### Emotional distress, infliction of . . . CV 429.07

### Foreseeability

- Generally . . . CR 417.19; CV 401.07
- Affirmative defenses for automobile negligence . . . CV 411.73
- Loss of consciousness or other medical emergency . . . CV 401.21

### Governmental liability (See GOVERNMENTAL LIABILITY)

### Homicide, negligent . . . CR 503.05

### Independent negligence . . . CV 401.39

### Inference of . . . CV 401.33

### Intoxication, lack of ordinary care due to . . . CV 401.17

### Issues, presentation of

### General instruction . . . CV 311.01

### Causation

- Separate and distinct element from negligence . . . CV 311.11
- Submission of . . . CV 311.05



[References are to civil (CV) and criminal (CR) instruction numbers.]

**NEGLIGENCE—Cont.****Issues, presentation of—Cont.**

Counterclaim . . . CV 311.07

Damages . . . CV 311.05

Multiple parties . . . CV 311.03

Per se negligence . . . CV 311.09

Submission of causation and/or damage only  
. . . CV 311.05

Violations of statute . . . CV 311.09

**Loss of consciousness or other medical emergency**

Generally . . . CV 401.21

Affirmative defenses in automobile negligence  
. . . CV 411.73

**Medical (See MEDICAL NEGLIGENCE)****Ordinary care**

Generally . . . CV 401.01

Caution signs, presence of . . . CV 401.19

**Children, care of**

Generally . . . CV 407.01

Child under 7 . . . CV 407.03

Duty of parents . . . CV 407.15

Measure of care by child . . . CV 407.05

Tort liability of parents . . . CV 407.19

Common carriers . . . CV 401.35

Dangerous substances . . . CV 401.11

Defined . . . CV 401.01

Duty to look . . . CV 401.05

Persons under disability . . . CV 401.09

Sudden emergency . . . CV 401.13

**Per se negligence**

Automobile negligence . . . CV 411.01

Issues, presentation of . . . CV 311.09

**Product liability, common law negligence in . . . CV 451.11 et seq.****Professional negligence**

Generally (See PROFESSIONAL NEGLIGENCE)

Medical negligence (See MEDICAL NEGLIGENCE)

**Proximate cause**

Generally . . . CV 405.01

Intervening and superseding cause . . . CV 405.05

Remote cause or condition . . . CV 405.03

Separate and distinct element from negligence, as  
. . . CV 311.11

Submission of issue . . . CV 311.05

**Reckless conduct . . . CV 401.41****Res ipsa loquitur**

Generally . . . CV 401.33

Medical negligence . . . CV 417.05

**Securities, common law claims for relief concerning . . . CV 541.09****Substantial negligence defined . . . CR 417.19****Under the influence, lack of ordinary care while . . . CV 401.17****Wife's negligence, liability of husband for . . . CV 701.09****Willful or wanton misconduct . . . CV 401.41****NEGOTIABLE INSTRUMENTS**

Theft, value . . . CR 425.23

**NUCLEAR WEAPONS (See RADIOLOGICAL OR NUCLEAR WEAPONS)****NUDITY**

Child endangerment . . . CR 519.22

Defined . . . CR 417.39

**Nudity-oriented materials or performances**

Impaired person in, use of . . . CR 507.323

Minors in, use of . . . CR 507.323

**NUISANCE**

Absolute . . . CV 621.03

Abnormally dangerous activity . . . CV 621.03

Intentional acts . . . CV 621.05

Statutory violation . . . CV 621.01

"Coming to the nuisance" as bar to complaint . . . CV 621.11

Damages, compensatory . . . CV 621.13

Qualified . . . CV 621.07

Regulated activities, exceptions for . . . CV 621.09

**O****OBJECTIONS TO INSTRUCTIONS**

General instructions, after . . . CR 101.63; CV 101.63

**OBSCENITY, PANDERING OF**

Generally . . . CR 507.32

Impaired person, obscenity involving . . . CR 507.321

Minors, obscenity involving . . . CR 507.321

**OBSTRUCTION OF JUSTICE**

Adult, where defendant aided . . . CR 521.32(A)

Minor, where defendant aided . . . CR 521.32(B)

**OFFICIAL BUSINESS**

Disruption of . . . CR 521.31

**ORDNANCE, DANGEROUS****Biological weapons**

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

**Chemical weapons**

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

Courthouse, in . . . CR 523.123; CR 523.123(A); CR 523.123(B)

**Explosive devices**

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

Failure to secure . . . CR 523.19

Manufacturing or processing explosives . . . CR 523.17

**Radiological or nuclear weapons**

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

School premises, on or near (See WEAPONS, DANGEROUS, subhead: School premises, firearms, weapons or ordnance on or near)

Theft . . . CR 513.02

Unlawful possession . . . CR 523.17

**OWNERSHIP**

Defined . . . CR 417.15



[References are to civil (CV) and criminal (CR) instruction numbers.]

## P

### PANIC, INDUCING

- Generally . . . CR 517.31
- Discharging firearm at or into school with intent to cause harm or panic . . . CR 523.161
- False alarms, making of . . . CR 517.32

### PAROLE OFFICER

- Defined . . . CR 521.24

### PATERNITY

- Generally . . . CV 705.01
- Competency of witnesses . . . CV 705.11
- Concluding instructions . . . CV 705.13
- Exhibiting of child . . . CV 705.09
- Issues, presentation of . . . CV 705.01
- Jury's duty . . . CV 705.15
- Presumption of paternity and burden of proof
  - Defendant . . . CV 705.05
  - Person other than defendant . . . CV 705.03
- Serological tests . . . CV 705.07
- Verdict . . . CV 705.13

### PATIENTS

- Abuse and neglect
  - Generally . . . CR 503.34
  - False complaint, filing of . . . CR 503.35
- Endangerment . . . CR 503.341

### PERJURY

- Generally . . . CR 521.11

### PERSONAL INJURY

- Automobile accident causing injury, leaving scene of . . . CR 749.02; CR 749.021
- Damages (See DAMAGES)
- Hunters, injury of persons or property by . . . CR 551.03
- Insurance claim, burden of proof in . . . CV 709.25

### PERSONAL PROPERTY

- Automobile accident damaging property, leaving scene of . . . CR 749.021
- Conversion (See CONVERSION)
- Damages (See DAMAGES)
- Damaging or endangering, criminal . . . CR 509.06
- Eminent domain actions, valuation of fixtures in . . . CV 609.15
- Secured transactions (See SECURED TRANSACTIONS (U.C.C.))
- Vandalism . . . CR 509.05(B)

### PHARMACISTS (See DRUGGISTS)

### PHYSICAL HARM

- Definition . . . CR 521.321(A)-(D)
- Specification in concluding instructions . . . CR 425.21

### PHYSICIANS

- Defined . . . CR 519.171
- Negligence (See MEDICAL NEGLIGENCE)

### PIRACY

- Motion picture piracy . . . CR 513.07

### POLICE AND FIRE PERSONNEL (See FIRE AND POLICE PERSONNEL)

### POLYGRAPH TESTS

- Generally . . . CR 409.23

### POSSESSION

- Generally . . . CR 417.21
- Adverse possession . . . CV 601.03
- Biological weapons . . . CR 509.26
- Chemical weapons . . . CR 509.26
- Conversion (See CONVERSION)
- Defined . . . CR 417.21
- Drug possession (See DRUG OFFENSES)
- Exotic animals . . . CR 551.13
- Explosive devices . . . CR 509.26
- Firearms . . . CR 523.12 *et seq.*
- Joint possession . . . CR 417.21
- Radiological or nuclear weapons . . . CR 509.26
- Secured transactions
  - Perfection of interest by possession . . . CV 517.09
  - Right of secured party to take possession . . . CV 517.15
- Tools, criminal . . . CR 523.24
- Transfer of, landlord liability at or after . . . CV 617.15; CV 617.17
- Unauthorized device . . . CR 513.041
- Weapons, dangerous . . . CR 523.12 *et seq.*
- Wrongful possession . . . CV 447.01

### PREEXISTING CONDITION

- Damages, acceleration or aggravation of prior injury or condition . . . CV 315.15

### PREGNANCY

- Defined . . . CR 519.171
- Pregnant victim . . . CR 541.1423
- Unlawful termination (See PREGNANCY, UNLAWFUL TERMINATION OF)

### PREGNANCY, UNLAWFUL TERMINATION OF

- Homicide, as
  - Negligent homicide . . . CR 503.05
  - Reckless homicide . . . CR 503.041
  - Vehicular homicide
    - Generally . . . CR 503.07
    - Aggravated . . . CR 503.06
- Manslaughter, as
  - Involuntary . . . CR 503.04
  - Voluntary . . . CR 503.03
- Murder, as
  - Generally . . . CR 503.02
  - Aggravated; death penalty . . . CR 503.01

### PREJUDICE IN INSTRUCTIONS

- Appeal, as basis for . . . CR 101.17; CV 101.17

### PRELIMINARY INSTRUCTIONS

- Generally . . . CR 101.27; CV 101.27
- Issues raised after . . . CR 101.29; CV 101.29
- Repetition in final instructions . . . CR 101.29; CV 101.29
- Sample instructions . . . CR 205.01; CV 205.01
- Trial, before . . . CR 101.25; CV 101.25



[References are to civil (CV) and criminal (CR) instruction numbers.]

**PREMISES LIABILITY**

Generally . . . CV 617.01  
 Business visitors . . . CV 617.03  
 Fire/police personnel . . . CV 617.07  
 Frequenters . . . CV 617.11  
 Invitees . . . CV 617.03  
 Landlord liability  
     Generally . . . CV 617.19  
     Conditions arising after transfer of possession  
     . . . CV 617.15  
     Conditions arising at transfer of possession . . . CV  
     617.17  
 Licensees . . . CV 617.09  
 Recreational users . . . CV 617.13  
 Social guests . . . CV 617.05  
 Tenant liability . . . CV 617.21  
 Trespassers . . . CV 617.09

**PREPONDERANCE OF EVIDENCE**

Generally . . . CR 417.29; CV 303.05  
 Sample final instructions . . . CR 207.21; CV 207.05

**PRESUMPTIONS**

Generally . . . CV 309.01  
 Evidential . . . CR 417.33

**PRIMA FACIE EVIDENCE**

Generally . . . CR 417.31; CV 309.03  
 Bailment agreement, violation of . . . CV 629.03

**PRIOR CONVICTIONS OR OFFENSES**

Concluding instructions . . . CR 425.15  
 Sample final instructions . . . CR 207.09  
 Trial, instructions during . . . CR 401.25; CR 409.11

**PRIOR INJURY OR CONDITION**

Damages, acceleration or aggravation of condition  
 . . . CV 315.15

**PRISONS, PRISONERS AND DETAINEES**

Aggravated riot . . . CR 517.02(B)  
 Dereliction of duty by detention facility officers  
 . . . CR 521.44(C)  
 Discharge of firearm at correction officer specification  
 . . . CR 541.1412  
 Escape (See ESCAPE)  
 Harassment by inmate . . . CR 521.38  
 Weapons conveyed into detention facility  
     Generally . . . CR 521.35(A); CR 521.36  
     Possession by detainee . . . CR 523.131

**PRIVACY, INVASION OF**

Embarrassing private facts, public disclosure of  
 . . . CV 433.03  
 False light . . . CV 433.05  
 Intrusion upon seclusion of another . . . CV 433.01  
 Name or likeness, appropriation of . . . CV 433.07  
 Publicity, right of . . . CV 433.09

**PRIVATE PROPERTY**

Traffic rules on . . . CV 411.07

**PROBATE**

Defined . . . CV 633.01  
 Will contests (See WILL CONTESTS)

**PRODUCT LIABILITY**

Common law negligence . . . CV 451.11 *et seq.*  
 Damages . . . CV 451.21  
 Defenses, affirmative . . . CV 451.19  
 Design or formulation defect  
     Common law negligence . . . CV 451.11  
     Statutory defect . . . CV 451.05  
 Failure to warn  
     Common law negligence . . . CV 451.15  
     Statutory violation . . . CV 451.07  
 Implied warranty, common law breach of . . . CV  
 451.17  
 Interrogatories . . . CV 451.23  
 Manufacturing or construction defect  
     Common law negligence . . . CV 451.13  
     Statutory defect . . . CV 451.03  
 Non-conformance to representation . . . CV 451.09  
 Statutory . . . CV 451.01 *et seq.*

**PROFESSIONAL NEGLIGENCE**

Generally . . . CV 421.01  
 Defense of client negligence . . . CV 421.05  
 Interrogatories . . . CV 421.07  
 Medical negligence (See MEDICAL NEGLIGENCE)  
 Standards of care . . . CV 421.03

**PROMISSORY ESTOPPEL**

Contract claims . . . CV 501.31  
 Employment contracts . . . CV 537.03

**PROPERTY**

Depriving of . . . CR 417.13  
 Hunters, injury of persons or property by . . . CR  
 551.03  
 Ownership . . . CR 417.15  
 Personal property (See PERSONAL PROPERTY)  
 Real property (See REAL PROPERTY)  
 Special property, value and . . . CR 425.23  
 Unauthorized use of . . . CR 513.04  
 Value of property destroyed or stolen, concluding in-  
 structions on . . . CR 425.23

**PROSTITUTION**

Generally . . . CR 507.25  
 Compelling . . . CR 507.21  
 Procuring . . . CR 507.23  
 Promoting . . . CR 507.22  
 School, in proximity of . . . CR 541.1421  
 Soliciting  
     Generally . . . CR 507.24  
     Loitering to engage in . . . CR 507.241

**PROTECTION ORDERS**

Violation of . . . CR 519.27

**PROXIMATE CAUSE**

Negligent acts (See NEGLIGENCE)  
 Sample final instructions . . . CV 207.19

**PUBLIC ADMINISTRATION, OFFENSES**

AGAINST (See JUSTICE AND PUBLIC ADMINIS-  
 TRATION, OFFENSES AGAINST)

**PUBLIC AMUSEMENT**

Criminal trespass on place of . . . CR 511.23



[References are to civil (CV) and criminal (CR) instruction numbers.]

## **PUBLIC INDECENCY**

Generally . . . CR 507.09

## **PUBLICITY, RIGHT OF**

Invasion of privacy . . . CV 433.09

## **PUBLIC PEACE, OFFENSES AGAINST**

Crowd safety statute, violation of . . . CR 517.40

Disorderly conduct

After 3/23/19 . . . CR 517.11(A); CR 517.11(B)

After 1/25/02 but before 3/23/19 . . . CR

517.11(A); CR 517.11(B)

Riot (See RIOT)

Emergency, misconduct at . . . CR 517.13

False alarms, making of . . . CR 517.32

Harassment via telecommunications . . . CR

517.21(A); CR 517.21(B)

Infectious agents, improper handling of . . . CR 517.47

Lawful meeting, disturbing of . . . CR 517.12

Panic, inducing (See PANIC, INDUCING)

Public transportation, misconduct involving . . . CR 517.41

Riot (See RIOT)

Telecommunications harassment . . . CR 517.21(A); CR 517.21(B)

Violence, inciting to . . . CR 517.01

## **PUBLIC SERVICES, DISRUPTION OF**

Generally . . . CR 509.04

## **PURPOSE, ELEMENT OF**

Coma or blackout, acts committed while in . . . CR 417.07

Deadly weapon, use of . . . CR 417.01

Fraudulent purpose . . . CR 417.03

Intoxication and . . . CR 421.09 *et seq.*

Mistake of fact, acting under . . . CR 417.05

Motive, proof of . . . CR 417.01

Purposely acting . . . CR 417.01

Transfer of purpose . . . CR 417.09

## **PYRAMID SCHEMES**

Generally . . . CR 533.92

# **R**

## **RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS (See RICO OFFENSES)**

## **RADIOLOGICAL OR NUCLEAR WEAPONS**

Illegal assembly or possession of chemicals or substances for manufacturing of . . . CR 509.28

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

## **RAFFLES (See also GAMBLING; GAMING)**

Generally . . . CR 515.092

## **RAPE**

Generally . . . CR 507.02(A)(1); CR 507.02(A)(2)

Attempted rape specification

Generally . . . CR 541.1418

Child victims under age of ten . . . CR 541.1419

Force or threat of force, compelled by . . . CR 541.1419

## **RAPE—Cont.**

Attempted rape specification—Cont.

Repeat offenders . . . CR 541.1420

## **REAL PROPERTY**

Adjoining owners . . . CV 601.07

Adverse possession . . . CV 601.03

Automobile accident damaging realty, leaving scene of . . . CR 749.03

Breaking and entering . . . CR 511.13(A); CR 511.13(B)

*Caveat emptor* defense in real estate fraud claim . . . CV 449.13

Damaging or endangering

Criminal . . . CR 509.06

Damages for . . . CV 315.35

Easements . . . CV 601.09

Ejectment . . . CV 601.01

Eminent domain (See EMINENT DOMAIN)

Fraud in real estate sales; *caveat emptor* defense . . . CV 449.13

RICO offenses (See RICO OFFENSES, subhead: Acquiring or maintaining interest in enterprise or real property)

Special use property, eminent domain actions involving . . . CV 609.19

Trespass (See TRESPASS)

Vandalism . . . CR 509.05(A)

## **REASONABLE DOUBT**

General instructions . . . CR 405.07

Sample final instructions . . . CR 207.13

## **RECESS INSTRUCTIONS**

Generally . . . CR 401.11; CV 309.13

Extended recess and separate hearings . . . CR 401.13

Sample instructions . . . CR 205.05; CV 205.05

## **RECKLESS CONDUCT**

Generally . . . CV 401.41

## **RECKLESSNESS, CRIMINAL**

Defined . . . CR 417.17

Homicide, reckless . . . CR 503.041

## **RECORDS AND RECORDINGS**

Criminal record information, misuse of . . . CR 527.22

Grand jury court reporter, oath of . . . CR 301.05

Instructions, recording of . . . CR 101.13; CV 101.13

Securing of writings by deception . . . CR 513.43

Tampering with records . . . CR 513.42

## **RENT**

Eviction for non-payment

Generally . . . CV 613.01

Mobile home park tenant . . . CV 613.13

## **RENTED PROPERTY OR SERVICES**

Theft of . . . CR 513.02

## **REQUESTS TO INSTRUCT**

Final instructions . . . CR 101.35; CR 101.75; CV 101.35; CV 101.75

General instructions, after . . . CR 101.75; CV 101.75

Special requests . . . CR 101.35; CR 101.75; CV 101.35; CV 101.75



[References are to civil (CV) and criminal (CR) instruction numbers.]

**REQUESTS TO INSTRUCT—Cont.**

Trial, during . . . CV 309.25  
Written requests . . . CR 401.27; CV 309.25

**RESIDENTIAL LENDING PRACTICES**

Advertisements, failure of mortgage broker to include registration number on . . . CV 525.17  
Bona fide third parties, fees for services performed by . . . CV 525.11; CV 525.13  
Consumer Sales Practices Act, violations of . . . CV 525.21  
Cost of loan, failure of registrant to deliver good faith estimate of . . . CV 525.03  
Damages . . . CV 525.19  
Disclosure statement, failure of registrant to deliver mortgage loan . . . CV 525.03  
Documents, failure to return original . . . CV 525.11  
Fee premiums . . . CV 525.11  
Improper payment of fees to mortgage broker . . . CV 525.13  
Kickbacks . . . CV 525.11  
Loan officer, license to act as . . . CV 525.01  
Material changes in terms of loan, failure to provide timely disclosure of . . . CV 525.07  
Mortgage broker, certificate of registration to act as . . . CV 525.01  
Prohibited conduct . . . CV 525.09; CV 525.11  
Punitive damages . . . CV 525.19  
Referral fees . . . CV 525.11  
Required information, failure of registrant to provide . . . CV 525.03  
Tax and payment disclosures, failure of registrant to deliver . . . CV 525.05  
Title insurance agents, violations by . . . CV 525.21  
Unconscionable acts in connection with residential mortgages . . . CV 525.23  
Unlawful lending practices by loan officer or mortgage broker . . . CV 525.15

**RESIST**

Definition . . . CR 521.33

**RESTRAINT, UNLAWFUL**

Generally . . . CR 505.03

**RETALIATION**

Generally . . . CR 521.05

**REVIVOR**

Generally . . . CV 303.01

**RICO OFFENSES**

Generally . . . CV 445.01  
Acquiring or maintaining interest in enterprise or real property  
Burden of proof . . . CV 445.09  
Causation . . . CV 445.13  
Damages . . . CV 445.13  
Definitions . . . CV 445.11  
Elements . . . CV 445.09; CV 445.11  
Use or investment of proceeds in (See subhead: Use or investment of proceeds in acquisition of real property, or establishment or operation of enterprise)  
Civil actions . . . CV 445.01

**RICO OFFENSES—Cont.**

Conducting or participating in affairs of enterprise  
Burden of proof . . . CV 445.03  
Causation . . . CV 445.07  
Damages . . . CV 445.07  
Definitions . . . CV 445.05  
Elements . . . CV 445.03; CV 445.05  
Conspiracy to engage in pattern of corrupt activity or collection of unlawful debt  
Burden of proof . . . CV 445.21  
Causation . . . CV 445.25  
Damages . . . CV 445.25  
Definitions . . . CV 445.23  
Elements . . . CV 445.21; CV 445.23  
Use or investment of proceeds in acquisition of real property, or establishment or operation of enterprise  
Burden of proof . . . CV 445.15  
Causation . . . CV 445.19  
Damages . . . CV 445.19  
Definitions . . . CV 445.17  
Elements . . . CV 445.15; CV 445.17

**RIOT**

Generally . . . CR 517.03  
Aggravated  
Generally . . . CR 517.02(A)  
Inmate at correctional facility . . . CR 517.02(B)

**RISK**

Assumption of risk . . . CV 403.09  
Defined . . . CR 417.19  
Substantial risk defined . . . CR 417.17

**ROADS AND BRIDGES**

Governmental liability for failure to maintain . . . CV 425.05

**ROBBERY**

Generally . . . CR 511.02  
Aggravated . . . CR 511.01(A); CR 511.01(B)  
Deadly weapon, with . . . CR 511.02

**S**

**SAFECRACKING**

Generally . . . CR 511.31

**SALE OF GOODS, CONTRACTS FOR (U.C.C.)**

Acceptance of goods  
Revocation by buyer (See subhead: Revocation of acceptance, buyer's)  
Words or conduct indicating . . . CV 505.37  
Buyer's remedies  
Acceptance of goods, words or conduct indicating . . . CV 505.37  
Damages  
Breach of warranty . . . CV 505.45  
Cover damages . . . CV 505.49  
Incidental and consequential . . . CV 505.51  
Nondelivery, repudiation, rejection and revocation of acceptance . . . CV 505.43  
Limitation on . . . CV 505.53  
Notice of breach . . . CV 505.47  
Rejection . . . CV 505.35



[References are to civil (CV) and criminal (CR) instruction numbers.]

## SALE OF GOODS, CONTRACTS FOR

### (U.C.C.)—Cont.

#### Buyer's remedies—Cont.

Revocation of acceptance (See subhead: Revocation of acceptance, buyer's)

Confirmation or acceptance, additional terms in . . . CV 505.07

#### Damages

Buyer's remedies (See subhead: Buyer's remedies)

#### Seller's remedies

Incidental damages . . . CV 505.31

Non-acceptance or repudiation, damages for . . . CV 505.27

Delivery, tender of; seller's . . . CV 505.23

#### Express warranties

Generally . . . CV 505.11

Exclusion or modification . . . CV 505.17

#### Formation of contract

Generally . . . CV 505.01

Conduct of parties, formed by . . . CV 505.03

#### Implied warranties

Exclusion or modification . . . CV 505.19

Fitness for particular purpose . . . CV 505.15

Merchantability . . . CV 505.13

Usage of trade . . . CV 505.13

Modification, rescission and waiver . . . CV 505.09

#### Obligations of parties

Buyer's tender of payment . . . CV 505.21

Seller's tender of delivery . . . CV 505.23

Open price term . . . CV 505.05

Payment, tender of; buyer's . . . CV 505.21

#### Remedies

Buyer's (See subhead: Buyer's remedies)

Seller's (See subhead: Seller's remedies)

Rescission . . . CV 505.09

#### Revocation of acceptance, buyer's

Generally . . . CV 505.39

Damages . . . CV 505.43

Obligations after . . . CV 505.41

#### Seller's remedies

##### Damages

Incidental . . . CV 505.31

Non-acceptance or repudiation, for . . . CV 505.27

Limitation on . . . CV 505.33

Price, action for . . . CV 505.29

Resale . . . CV 505.25

Waiver . . . CV 505.09

#### Warranties

##### Breach by seller

Damages . . . CV 505.45

Notice of . . . CV 505.47

##### Express warranties

Generally . . . CV 505.11

Exclusion or modification . . . CV 505.17

Implied warranties (See subhead: Implied warranties)

## SCENE VISITS

Generally . . . CR 401.15; CV 309.15

Eminent domain actions . . . CV 609.03

## SCHOOLS

Prostitution-related offense in proximity of school

. . . CR 541.1421

Raffle conduct, illegal . . . CR 515.092

Safety zone specification, school . . . CR 541.143

Weapons on or near premises (See WEAPONS, DANGEROUS, subhead: School premises, firearms, weapons or ordnance on or near)

## SECURED TRANSACTIONS (U.C.C.)

Accessions . . . CV 517.11

Buyer in ordinary course of business . . . CV 517.01

### Collateral

Default, disposition after . . . CV 517.17

Description of . . . CV 517.03

Secured party, in possession of . . . CV 517.07

Commingled goods . . . CV 517.13

Default, disposition of collateral after . . . CV 517.17

Enforceability of interest . . . CV 517.05

Perfection of interest by possession . . . CV 517.09

### Possession

Perfection of interest by . . . CV 517.09

Right of secured party to take . . . CV 517.15

Processed goods . . . CV 517.13

## SECURITIES

Advisor misconduct, liability for . . . CV 541.03

Common law claims for relief . . . CV 541.09

### Fraud

Common law claims for relief . . . CV 541.09

Liability of seller for . . . CV 541.01

Investment advisor or investment advisor representative misconduct, liability for . . . CV 541.05

Prohibited conduct involving . . . CV 541.07

**SELF-DEFENSE** (See DEFENSES, subhead: Self-defense)

## SELF-REPRESENTATION

Instructions during trial . . . CR 401.03

## SEQUESTRATION

Generally . . . CR 429.03

## SERVICES

Defined . . . CR 513.21

Theft of . . . CR 513.02

## SEX OFFENSES

Battery, sexual . . . CR 507.03

Bestiality . . . CR 559.21

Cabaret, operation of adult (See CABARET, ADULT)

Child sexual abuse . . . CR 519.22

Child-victim oriented offense; duty of sex offender to register or send notice of intent to reside . . . CR 550.041

Corruption of minor . . . CR 507.04

Illegally operating sexually oriented business . . . CR 507.40(B)

### Impaired persons

Nudity-oriented materials or performances, use in . . . CR 507.323

Obscenity involving, pandering of . . . CR 507.321

Sexually oriented matter involving, pandering of . . . CR 507.322



[References are to civil (CV) and criminal (CR) instruction numbers.]

**SEX OFFENSES—Cont.**

Importuning . . . CR 507.07  
 Loitering to engage in solicitation . . . CR 507.241  
 Massage establishments, prohibited activities in . . . CR 507.42  
 Matter harmful to juveniles  
   Deception to obtain . . . CR 507.33  
   Displaying . . . CR 507.311  
   Disseminating . . . CR 507.31  
 Minors  
   Attempted rape specification for victims under age of ten . . . CR 541.1419  
   Child-victim oriented offense; duty of sex offender to register or send notice of intent to reside . . . CR 550.041  
   Commercial sexual exploitation of . . . CR 507.19  
   Corruption of . . . CR 507.04  
   Exploitation, commercial . . . CR 507.19  
   Matter harmful to juveniles (See subhead: Matter harmful to juveniles)  
   Nudity-oriented materials or performances, use in . . . CR 507.323  
   Obscenity involving, pandering of . . . CR 507.321  
   Sexually oriented matter involving, pandering of . . . CR 507.322  
   Unlawful sexual conduct with . . . CR 507.04  
 Nudity-oriented materials or performances  
   Impaired person in, use of . . . CR 507.323  
   Minors in, use of . . . CR 507.323  
 Objectionable materials, compelling acceptance of . . . CR 507.34(A); CR 507.34(B)  
 Obscenity, pandering of  
   Generally . . . CR 507.32  
   Impaired person, obscenity involving . . . CR 507.321  
   Minors, obscenity involving . . . CR 507.321  
 Pandering  
   Obscenity  
     Generally . . . CR 507.32  
     Impaired person, involving . . . CR 507.321  
     Minors, involving . . . CR 507.321  
   Sexually oriented matter  
     Impaired person, involving . . . CR 507.322  
     Minors, involving . . . CR 507.322  
 Procuring . . . CR 507.23  
 Prostitution (See PROSTITUTION)  
 Public indecency . . . CR 507.09  
 Rape (See RAPE)  
 Registration of sex offenders  
   Change of address notice  
     Generally . . . CR 550.05  
     Periodic verification of address . . . CR 550.06  
   Duty to comply with registration requirements . . . CR 550.04  
   Duty to register  
     Child-victim oriented offense . . . CR 550.041  
     Offenses before July 1, 1997 . . . CR 550.02  
     Offenses on or after July 1, 1997 . . . CR 550.04  
   Notice of intent to reside, duty to send  
     Generally . . . CR 550.04  
     Child-victim oriented offense . . . CR 550.041  
 Restraint, unlawful . . . CR 505.03

**SEX OFFENSES—Cont.**

Sexual imposition  
   Generally . . . CR 507.06  
   Gross sexual imposition . . . CR 507.05  
 Sexually oriented business, illegally operating . . . CR 507.40(B)  
 Sexually oriented matter, pandering of  
   Impaired persons, involving . . . CR 507.322  
   Minors, involving . . . CR 507.322  
 Sexually violent offense defined . . . CR 507.71  
 Sexually violent predators  
   Concluding instructions . . . CR 425.29  
   Escape . . . CR 521.34(A)(2)  
   Gross sexual imposition . . . CR 507.05  
   Specification . . . CR 507.71  
 Sexual motivation  
   Defined . . . CR 507.71  
   Restraint, unlawful . . . CR 505.03  
   Specification in concluding instructions . . . CR 425.31; CR 507.72  
 Sexual penetration, felonious . . . CR 507.12(A)(1); CR 507.12(A)(2)  
 Sexual terms defined . . . CR 417.39  
 Soliciting  
   Generally . . . CR 507.24  
   Loitering to engage in . . . CR 507.241  
 Specifications  
   Attempted rape of victims under age of ten . . . CR 541.1419  
   Sexual motivation; concluding instructions . . . CR 425.31; CR 507.72  
   Violent predators, sexually . . . CR 507.71  
 Terms defined . . . CR 417.39  
 Unlawful sexual conduct with minor . . . CR 507.04  
 Voyeurism . . . CR 507.08

**SEXUAL HARASSMENT**

Employment discrimination claims  
   Hostile work environment . . . CV 533.17  
   Loss of tangible job benefit . . . CV 533.15

**SEXUALLY ORIENTED BUSINESS**

Cabaret, operation of adult (See CABARET, ADULT)  
 Illegally operating . . . CR 507.40(B)  
 Massage establishments, prohibited activities in . . . CR 507.42

**SEXUAL TERMS**

Defined . . . CR 417.39

**SHAM LEGAL PROCESS, USE OF**

Generally . . . CR 521.52

**SIMULATION, CRIMINAL**

Generally . . . CR 513.32

**SLUGS, MAKING OR USING**

Generally . . . CR 513.33

**SOLICITATION**

Compensation by public official, improper  
   Generally . . . CR 521.43(A)  
   Appointment or preference, for . . . CR 521.43(B)  
   Coerced contributions . . . CR 521.43(C)



[References are to civil (CV) and criminal (CR) instruction numbers.]

**SOLICITATION—Cont.****Sexual**

Generally . . . CR 507.24

Loitering to engage in . . . CR 507.241

**SPECIAL VERDICTS**

Abolition of . . . CR 101.37; CV 101.37

**SPECIFICATIONS**

Generally . . . CR 541.01

Aggravating circumstances; concluding instructions . . . CR 425.27

**Body armor**

Generally . . . CR 541.1411

Wearing of during commission of felony; concluding instructions . . . CR 425.19

Complicity (See **COMPLICITY**)

Firearms (See **FIREARMS**)

Gang activity, criminal . . . CR 541.142

Operating a vehicle under the influence (OVI) . . . CR 541.1413

**Peace officers**

Aggravated vehicular homicide, victim of . . . CR 541.1414

Discharge of firearm at peace officer or correction officer . . . CR 541.1412

Physical harm, deadly weapons and . . . CR 425.21

Rape, attempted (See **RAPE**, subhead: Attempted rape specification)

School safety zone . . . CR 541.143

Sex offenses (See **SEX OFFENSES**)

**SPOUSAL SUPPORT**

Interference with issuance or modification of support order . . . CR 519.231

**Liability of husband for**

Generally . . . CV 701.01

Burden of proof . . . CV 701.03

Exceptions . . . CV 701.07

Necessaries defined . . . CV 701.11

**STALKING, MENACING BY**

Generally . . . CR 503.211

**STATUTE OF LIMITATIONS**

Governmental liability . . . CV 425.13

**STILLBIRTH**

Damages . . . CV 315.07

**STOLEN PROPERTY, RECEIVING OF**

Generally . . . CR 513.51

**SUBROGATION**

Damages . . . CV 315.25

**SUPPORT CLAIMS**

Child support (See **CHILD SUPPORT**)

Spousal support (See **SPOUSAL SUPPORT**)

**SURETIES**

Contribution, liability for . . . CV 513.07

Extension of time, effect of agreement for . . . CV 513.05

**Liability**

Bond of agent, surety's liability on . . . CV 513.01

**SURETIES—Cont.****Liability—Cont.**

Contribution, for . . . CV 513.07

Revival of . . . CV 513.09

Strict construction of contract . . . CV 513.03

**T****TAXES**

Damage awards, income tax considerations in . . . CV 315.45

Residential lending practices; failure of registrant to deliver tax and payment disclosures . . . CV 525.05

Sample final instruction for income taxes . . . CV 207.31

**TELECOMMUNICATION PROPERTY**

Unauthorized use, failure to report . . . CR 521.22(A)

**TENANTS (See **LANDLORD AND TENANT**)****TERRORISM**

Generally . . . CR 509.24

Money laundering in support of terrorism . . . CR 509.29

Soliciting or providing support for . . . CR 509.22

Threats, terroristic . . . CR 509.23

**TESTIMONY**

Accomplice testimony . . . CR 409.17

Acts of witnesses, weighing of testimony on . . . CR 409.33

Deposition, by . . . CR 409.27; CV 309.07

Expert witnesses (See **EXPERT WITNESSES**)

Eyewitness testimony, credibility of . . . CR 409.05; CV 305.05

**Interpreters and translators**

Civil trials, use in . . . CV 301.13

Criminal trials, in . . . CR 401.29

Criminal trials, use in . . . CR 401.29

Layman's opinion . . . CR 409.19; CV 309.09

Multiple defendants . . . CR 409.15

**Refusal or inability to give**

Generally . . . CV 309.19

Defendant's . . . CR 207.15; CR 409.07

**THEFT**

General instruction . . . CR 513.02

Cable service, theft of . . . CR 513.041

Computer systems or networks, unauthorized use of . . . CR 513.04

Dogs . . . CR 513.02

Insurance purposes, defined for . . . CV 709.41

Property, unauthorized use of . . . CR 513.04

Public or party official, by . . . CR 521.41

Stolen property, receiving of . . . CR 513.51

Unauthorized device, possession or sale of . . . CR 513.041

Value and special property . . . CR 425.23

Vehicle, unauthorized use of . . . CR 513.03

**THEFT IN OFFICE**

Value and separate property . . . CR 425.23



[References are to civil (CV) and criminal (CR) instruction numbers.]

**THREATS**

Attempted rape specification, victim compelled by force or threat of force under . . . CR 541.1419  
 Defined . . . CR 417.35  
 Terroristic . . . CR 509.23

**TIME, ISSUE OF**

Presentation of issue . . . CR 413.07

**TOBACCO PRODUCTS, ILLEGAL DISTRIBUTION OF**

Children, to . . . CR 527.02(B)(1) *et seq.*  
 False identity documents, furnishing to child of . . . CR 527.02(B)(3)  
 Packs containing fewer than 20 cigarettes, sale of . . . CR 527.02(B)(4)  
 Signs regarding sale, failure to post . . . CR 527.02(B)(2)  
 Smaller quantity of cigarettes than placed in pack, sale of . . . CR 527.02(B)(5)  
 Vending machines, improper placement of . . . CR 527.02(C)

**TOOLS, CRIMINAL**

Possession of . . . CR 523.24

**TORT CLAIMS**

Agency liability . . . CV 423.03  
 Child, tort by; liability of parents . . . CV 407.19  
 Damages (See DAMAGES, subhead: Tort actions)  
 Employment relations (See EMPLOYMENT RELATIONS)  
 Intentional  
   Allocation of damages, multiple defendants, interrogatories required  
     Generally . . . CV 429.09  
     Other tortious conduct claims, with . . . CV 429.11  
   Business relationship, tortious interference with . . . CV 453.01  
   Contractual relationship, tortious interference with . . . CV 453.03  
   Employer intentional tort . . . CV 537.09  
   Employment relations, tortious interference with . . . CV 453.05  
   Inheritance, tortious interference with expectancy of . . . CV 453.07

**TOXIC CHEMICAL WEAPONS (See CHEMICAL WEAPONS)****TRADEMARKS**

Counterfeiting . . . CR 513.34

**TRADE PRACTICES**

Pyramid schemes . . . CR 533.92

**TRADE SECRETS**

Appropriation of . . . CV 537.11

**TRAFFICKING IN PERSONS (See HUMAN TRAFFICKING)****TRAFFIC OFFENSES**

Alcohol-related (See ALCOHOL OFFENSES, subhead: Traffic offenses)

**TRAFFIC OFFENSES—Cont.**

Assured clear distance . . . CV 411.19  
 Backing of vehicle . . . CV 411.47  
 Blind persons, failure to yield right of way to . . . CV 411.63  
 Car signals . . . CV 411.49  
 Crosswalks, right of way of pedestrians in . . . CV 411.61  
 Divided highways . . . CV 411.41  
 Drug-related (See DRUG OFFENSES, subhead: Traffic offenses; operation under influence of alcohol or drugs)  
 Emergency vehicles (See subhead: Public safety vehicles)  
 Entering highway from other than roadway . . . CV 411.59  
 Flashing traffic signals . . . CV 411.09  
 Hand and arm signals . . . CV 411.49  
 Hanging outside of vehicles . . . CV 411.65  
 Hazardous zones . . . CV 411.33  
 Highways  
   Divided . . . CV 411.41  
   Entering highway from other than roadway . . . CV 411.59  
   One-way . . . CV 411.35  
   Parking on . . . CV 411.67  
 Intersections, turns at . . . CV 411.43  
 Left of center, driving on  
   Generally . . . CV 411.31  
   Passing . . . CV 411.27  
 Left turn, vehicle yielding right of way for . . . CV 411.09  
 Local traffic laws . . . CV 411.09  
 Marked lanes, driving in . . . CV 411.37  
 One-way highways . . . CV 411.35  
 Opposite directions, vehicles traveling in . . . CV 411.25  
 Outside of vehicles, traveling on . . . CV 411.65  
 Overtaking and passing  
   Generally . . . CV 411.27  
   Hazardous zones . . . CV 411.33  
   Left of center, on . . . CV 411.27  
   Right, on . . . CV 411.27  
   Right of way, failure of overtaken vehicle to yield . . . CV 411.29  
 Parking on highway . . . CV 411.67  
 Passing (See subhead: Overtaking and passing)  
 Pedestrians  
   Blind persons, failure to yield right of way to . . . CV 411.63  
   Control signals . . . CV 411.09  
   Crosswalks, right of way in . . . CV 411.61  
   Sidewalks, yielding right of way on . . . CV 411.53; CV 411.55  
 Police officers, failure to comply with order or signal of . . . CR 521.331; CV 411.03  
 Private property, rules on . . . CV 411.07  
 Public safety vehicles  
   Duty of others . . . CV 411.57  
   “Emergency call” defined . . . CV 411.05  
   Red or stop signals, going past . . . CV 411.05  
   Right of way to, yielding . . . CV 411.57  
 Racing, street . . . CV 411.23



[References are to civil (CV) and criminal (CR) instruction numbers.]

### TRAFFIC OFFENSES—Cont.

- Reasonable control of vehicle . . . CV 411.13
- Reversible lanes, signals for . . . CV 411.11
- Riding on outside of vehicles . . . CV 411.65
- Right of way
  - Generally . . . CV 411.51
  - Blind persons, failure to yield to . . . CV 411.63
  - Crosswalks, pedestrians in . . . CV 411.61
  - Entering highway from other than roadway . . . CV 411.59
  - Failure of overtaken vehicle to yield . . . CV 411.29
  - Left turn . . . CV 411.09
  - Public safety vehicles, yielding to . . . CV 411.57
  - Sidewalks, yielding to pedestrians on . . . CV 411.53; CV 411.55
  - Stop or yield signs, at . . . CV 411.09
  - Yield signs, at . . . CV 411.09
- Right side of roadway, failure to drive on; exceptions . . . CV 411.21
- Sidewalks
  - Pedestrians on, yielding right of way to . . . CV 411.53; CV 411.55
  - Stopping in residential or business districts . . . CV 411.53
- Signal lights
  - Car signals . . . CV 411.49
  - Changing . . . CV 411.11
  - Flashing signals . . . CV 411.09
  - Lane change signals . . . CV 411.49
  - Pedestrian control signals . . . CV 411.09
  - Public safety vehicles going past red or stop signals . . . CV 411.05
  - Reversible lanes, for . . . CV 411.11
  - Traffic control devices . . . CV 411.09
  - Turning, for . . . CV 411.49
- Space between moving vehicles
  - Generally . . . CV 411.39
  - Assured clear distance . . . CV 411.19
- Speed
  - Assured clear distance . . . CV 411.19
  - Decreasing speed signals . . . CV 411.49
  - Proper speed . . . CV 411.17
  - Reasonable speed . . . CV 411.17
- Starting and backing of vehicle . . . CV 411.47
- Stopped vehicles, starting of . . . CV 411.47
- Stop signs, right of way at . . . CV 411.09
- Street racing . . . CV 411.23
- Traffic control devices . . . CV 411.09
- Traveling on outside of vehicles . . . CV 411.65
- Turns
  - Car signals . . . CV 411.49
  - Hand and arm signals . . . CV 411.49
  - Intersections, at . . . CV 411.43
  - U-turns . . . CV 411.45
- U-turns . . . CV 411.45
- Willful and wanton disregard of safety of persons or property, operation in . . . CV 411.13
- Yield signs, right of way at . . . CV 411.09

### TRANSCRIPTS

- Generally . . . CR 409.27; CV 309.07

### TRANSFERRED INTENT

- Proof of . . . CR 417.01

### TRANSLATORS

- Civil trials, use in . . . CV 301.13
- Criminal trials, use in . . . CR 401.29

### TRESPASS

- Generally . . . CV 601.05
- Aggravated . . . CR 511.211
- Breaking and entering on land . . . CR 511.13(B)
- Criminal
  - Generally . . . CR 511.21
  - Public amusement, trespass on place of . . . CR 511.23
- Public amusement, criminal trespass on place of . . . CR 511.23

### TRIAL, INSTRUCTIONS DURING

- Generally . . . CR 101.31; CV 101.31
- Admonitions to jury . . . CV 301.07
- Experiments, prior to conducting of . . . CR 401.17; CV 309.17
- Improper questions . . . CV 309.23
- Jury view, prior to (See subhead: Scene visits, prior to)
- Limited purpose evidence . . . CR 401.23; CV 309.05
- Notetaking by jurors . . . CR 401.19; CV 301.09
- Oath of jury, prior to administration of . . . CV 301.01
- Orientation of new jury . . . CR 401.07; CV 301.05
- Outline of trial, checklist for . . . CR 201.01; CV 201.01
- Prior convictions and acts . . . CR 401.25; CR 409.11
- Qualification of jury . . . CR 401.01; CV 301.03
- Questions by jurors . . . CR 401.21; CV 301.11
- Recess instructions
  - Generally . . . CR 401.11; CV 309.13
  - Extended recess and separate hearings . . . CR 401.13
- Requests to instruct, written . . . CR 401.27; CV 309.25
- Scene visits, prior to
  - Generally . . . CR 401.15; CV 309.15
  - Eminent domain actions . . . CV 609.03
- Self-representation . . . CR 401.03
- Swearing of jurors, after . . . CR 401.09
- Testimony, refusal or inability to give
  - Generally . . . CV 309.19
  - Defendant's . . . CR 409.07
- Voir dire examination by counsel . . . CR 401.05
- Witnesses, competence of . . . CV 309.21

## U

### UNDISPUTED FACTS

- General instructions . . . CR 101.51; CV 101.51

### UNDISPUTED ISSUES

- General instructions . . . CR 101.49; CV 101.49

### UNDUE INFLUENCE

- Tortious interference with expectancy of inheritance, as . . . CV 453.07
- Will, making of . . . CV 633.05



[References are to civil (CV) and criminal (CR) instruction numbers.]

**UNFAIR COMPETITION**

Malicious litigation, by . . . CV 439.05

**UNIFORM COMMERCIAL CODE**

Sale of goods (See **SALE OF GOODS, CONTRACTS FOR (U.C.C.)**)

Secured transactions (See **SECURED TRANSACTIONS (U.C.C.)**)

**USURY**

Generally . . . CR 505.22

**V****VANDALISM**

Burial sites . . . CR 509.05(D)

Cemeteries . . . CR 509.05(C)

Occupied structure . . . CR 509.05(A)

Property . . . CR 509.05(B)

Railroad grade crossing device . . . CR 509.101

Real property . . . CR 509.05(A)

**VEHICLE IDENTIFICATION NUMBERS, TAMPERING WITH (See **AUTOMOBILES AND OTHER MOTOR VEHICLES**)**

**VEHICULAR ASSAULT**

Generally . . . CR 503.08

**VEHICULAR HOMICIDE**

Generally . . . CR 503.06; CR 503.07

**Aggravated**

Generally . . . CR 503.06

Peace officer as victim specification . . . CR 541.1414

Manslaughter, vehicular . . . CR 503.06

Pregnancy, unlawful termination of

Generally . . . CR 503.07

Aggravated . . . CR 503.06

**VENUE**

Presentation of issue . . . CR 413.07

**VERDICTS**

Generally . . . CR 425.33; CV 323.01

Acceptance . . . CR 101.85; CV 101.85

Discussion of case by jurors after . . . CR 425.41

Eminent domain actions . . . CV 323.05; CV 609.23

Failure to reach; instructions during deliberations

. . . CR 429.09; CR 429.11; CV 319.07

Forms and instructions . . . CR 101.59; CR 425.33; CV 101.59

Identity fraud actions, verdict form . . . CR 513.49

Impossible; instructions during deliberations . . . CV 319.07

Mistrial for failure to reach; instructions during deliberations . . . CV 319.07

Paternity actions . . . CV 705.13

Quotient verdicts for damages

Generally . . . CV 315.41

Sample final instructions . . . CV 207.27

Sample final instructions

Generally . . . CR 207.27

Quotient verdicts for damages . . . CV 207.27

Unanimous verdict . . . CR 207.39

**VERDICTS—Cont.**

Special verdicts, abolition of . . . CR 101.37; CV 101.37

Unanimous verdict, sample final instruction for . . . CR 207.39

Will contests . . . CV 323.03; CV 633.13

**VESSELS**

Alcohol-related offenses (See **ALCOHOL OFFENSES**, subhead: **Watercraft and waterways violations**)

Insurance on steamboat . . . CV 709.21

**VICTIMS**

Child victims under age ten, permanent disabling harm to . . . CR 541.1426

Intimidation of . . . CR 521.04

Pregnant victim . . . CR 541.1423

**VIDEOTAPES**

Evidence, as . . . CR 409.31

**VIOLENT CAREER CRIMINAL**

Generally . . . CR 541.1424

Firearm by, use of . . . CR 523.132

**VOIR DIRE**

Generally . . . CR 101.21; CV 101.21

Counsel, examination by . . . CR 401.05

Grand jury . . . CR 301.01

**Instructions**

Common . . . CR 101.23; CV 101.23

Sample . . . CR 203.03

Instructions, sample . . . CV 203.03

Oath, instructions before administration of . . . CV 301.01

Welcoming remarks . . . CR 203.01; CV 203.01

**VOLUNTARY MANSLAUGHTER**

Generally . . . CR 503.03

**VOYEURISM**

Generally . . . CR 507.08

**W****WARRANTIES**

Sale of goods, contracts for (See **SALE OF GOODS, CONTRACTS FOR (U.C.C.)**)

**WATERCRAFT AND WATERWAYS VIOLATIONS**

Alcohol-related (See **ALCOHOL OFFENSES**, subhead: **Watercraft and waterways violations**)

**Drug-related**

Operating vessel under influence of alcohol or drugs . . . CR 547.11(A)(1)

Prohibited alcohol or drug concentration, operating vessel with . . . CR 547.11(A)(2)-(6)

**WEAPONS, DANGEROUS (See also **ORDNANCE, DANGEROUS**)**

**Biological weapons**

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

**Chemical weapons**

Possession . . . CR 509.26



[References are to civil (CV) and criminal (CR) instruction numbers.]

## **WEAPONS, DANGEROUS (See also ORDNANCE, DANGEROUS)—Cont.**

### **Chemical weapons—Cont.**

Use, knowing or reckless . . . CR 509.27

Concealed weapons, carrying of . . . CR 523.12

Courthouse, in . . . CR 523.123; CR 523.123(A); CR 523.123(B)

### **Deadly weapons**

Definition . . . CR 521.33

Physical harm specification, and . . . CR 425.21

Purpose in use of . . . CR 417.01

Robbery with . . . CR 511.02

### **Detention facility, possession by person in**

Generally . . . CR 523.131

Conveyance into facility . . . CR 521.35(A); CR 521.36

### **Explosive devices**

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

### **Firearms (See FIREARMS)**

Habitation, discharging at or into . . . CR 523.161

Intoxication, use under . . . CR 523.15

### **Person under disability, possession by**

After 3/23/15 . . . CR 523.13(A)

After 9/30/11 but before 3/23/15 . . . CR 523.13(A)

After 8/4/04 but before 9/30/11 . . . CR 523.13(A)

After 7/1/1996 but before 4/8/2004 . . . CR 523.13(B)

Before 7/1/1996 . . . CR 523.13

Physical harm specification, deadly weapons and . . . CR 425.21

Prohibited premises, discharging on or near . . . CR 523.162

Purpose in use of deadly weapons . . . CR 417.01

### **Radiological or nuclear weapons**

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

Robbery with deadly weapon . . . CR 511.02

### **School premises, firearms, weapons or ordnance on or near**

Discharging of firearm at or into school . . . CR 523.161

Illegal conveyance or possession . . . CR 523.122

Safety zone specification, school . . . CR 541.143

### **Specifications**

Physical harm, deadly weapons and . . . CR 425.21

School safety zone . . . CR 541.143

Transactions, unlawful . . . CR 523.20

## **WILDLIFE VIOLATIONS**

Division of Wildlife orders, violation of . . . CR 551.11

Exotic animals, crimes related to . . . CR 551.13

Harassment of hunters . . . CR 551.07

Hunting without permission . . . CR 551.05

Injury of persons or property by hunters . . . CR 551.03

Jacklighting . . . CR 551.01

## **WILDLIFE VIOLATIONS—Cont.**

Wildlife officers, failure to obey orders of . . . CR 551.09

## **WILL CONTESTS**

Generally . . . CV 633.01

Additional considerations . . . CV 633.09

Burden of proof . . . CV 633.01

Capacity to make will . . . CV 633.03

Definitions . . . CV 633.01

Fraud . . . CV 633.07

Mental capacity . . . CV 633.03

Probate defined . . . CV 633.01

Revocation of will, determination of . . . CV 633.11

Sound mind and memory, determination of . . . CV 633.03

Undue influence . . . CV 633.05

Verdict . . . CV 323.03; CV 633.13

## **WILLFUL OR WANTON MISCONDUCT**

Negligence . . . CV 401.41

Traffic offenses . . . CV 411.13

## **WITNESSES**

Acts of witnesses as evidence . . . CR 409.33

### **Competence**

Paternity claim, parties in . . . CV 705.11

Questioned; instructions during trial . . . CV 309.21

Defined . . . CR 521.04; CR 521.24

Expert witnesses (See EXPERT WITNESSES)

Eyewitness testimony, credibility of . . . CR 409.05; CV 305.05

### **Interpreters and translators**

Civil trials, use in . . . CV 301.13

Criminal trials, use in . . . CR 401.29

Intimidation of . . . CR 521.04

Testimony, refusal or inability to give

Generally . . . CV 309.19

Defendant's . . . CR 207.15; CR 409.07

## **WORKERS' COMPENSATION CLAIMS**

Generally . . . CV 427.01

### **Fraud**

Generally . . . CR 513.48

Value . . . CR 425.23

## **WRITTEN INSTRUCTIONS**

Generally . . . CR 101.61; CV 101.61

## **WRONGFUL CONVEYANCE**

Generally . . . CV 447.01

## **WRONGFUL DEATH**

Compensatory damages . . . CV 315.49

Employer intentional tort . . . CV 537.09

Intervening causes . . . CR 417.25

## **WRONGFUL POSSESSION**

Generally . . . CV 447.01

Conversion (See CONVERSION)





# USER'S GUIDE

## to

### *Ohio Jury Instructions*

#### *[Rev. 8/5/20]*

- **What is *Ohio Jury Instructions*?** *Ohio Jury Instructions* (“*OJI*”) is a collection of non-binding model instructions prepared by the Ohio Judicial Conference’s Ohio Jury Instructions Committee. Although often cited with approval by courts, including the Supreme Court of Ohio, *OJI* is not considered binding. The template instructions set forth in *OJI* are primarily intended for use by judges in instructing juries in the state and federal courts of Ohio when Ohio law is involved in a case. Practitioners can utilize *OJI* to submit requested jury charges.

- **Mission Statement.** *OJI*’s mission is to provide neutral template instructions that are understandable and provide jurors with the law and procedure necessary to enable them to reach fair and just verdicts.

- **Organization.** Published in both electronic and print form, *OJI* is divided into two volumes, one for civil and one for criminal. The civil volume consists of one book, while the criminal volume consists of two books. Each volume is further divided into *titles*, with each title indicating a broad category of related content. Each title is then separated into *chapters* that focus on a more narrow set of related content. Each chapter contains individually numbered *instructions* that set forth specific jury charges on a particular topic.

- **Examples of Titles:**

- Title 3: General Civil Trial Instructions

- Title 4: Civil Subject Matter Instructions: Tort-Related

- Title 5: Civil Subject Matter Instructions: Contract-Related

- **Examples of Chapters within Title 4:**

- Chapter CV 401 Negligence

- Chapter CV 403 Comparative Negligence

- [chapter designations continue until]*

- Chapter CV 453 Tortious Interference with Economic Relations

- **Examples of Instructions within Chapter CV 453:**

- CV 453.01 Tortious interference with business relations

- CV 453.03 Tortious interference with contractual relations

- CV 453.05 Tortious interference with employment relations

- **Finding an instruction by topic.** Each volume of *OJI* contains a table of contents prepared by the Ohio Jury Instructions Committee and an index prepared by the print publisher. In the criminal volume, instructions are grouped by topics that generally



mirror the criminal statutory scheme set forth in the Ohio Revised Code. In the civil volume, instructions are grouped by topics into titles that are generally related by legal concepts or themes. For example, the chapters in Title 5 all deal with contract-related topics. Within titles, narrower topics generally follow broader topics in the same related area. For example, "Contracts" is the first chapter in Title 5 and is followed by such chapters as the "Uniform Commercial Code" and the "Consumer Sales Practices Act."

- **Headings.** Each numbered instruction in *OJI* has a descriptive title. Within that titled instruction, there are often multiple instructions, or sections, many of which include descriptive titles, as well as possible sub-sections with their own headings.

- **Example of title of civil instruction:**

CV 417.01 Standard of care: physician/surgeon

- **Example of title of civil section heading:**

CV 417.01 Standard of care: physician/surgeon, § 1. INTRODUCTION.

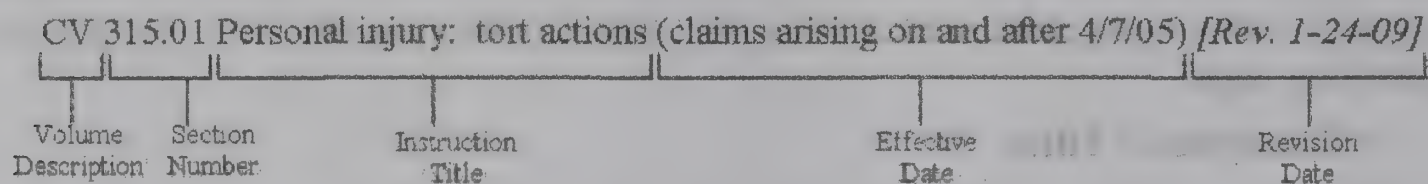
- **Example of title of criminal instruction:**

CR 521.31 Obstructing official business R.C. 2921.31

- **Example of title of criminal section heading:**

CR 521.31 Obstructing official business R.C. 2921.31, § 2. PRIVILEGE.

- **Instruction heading diagram.** The descriptive title of each instruction is comprised of several important pieces of information. A diagram of an example instruction heading and descriptions of the head pieces includes:



- **Volume description.** Two letters will indicate whether an instruction is included in the civil (CV) or criminal (CR) volume of *OJI*.

- **Section number.** The first three digits of the section number indicate the chapter in which the instruction is located. The digits following the decimal point indicate where in the chapter the instruction is located. Criminal instructions generally mirror the criminal statutory scheme set forth in the Ohio Revised Code.

- **Instruction title.** Each numbered instruction in *OJI* has a descriptive title.

- **Effective date.** Users should note that there are often multiple versions of an instruction corresponding to select dates of applicability. These multiple versions are arranged chronologically by *effective date*. For example, amendments to or judicial interpretation of a criminal statute may necessitate different versions of an instruction explaining different elements or definitions. The *effective date* of an instruction is indicated in a parenthetical accompanying its title.

- When a **significant substantive change** has occurred, such as a change in the elements of a crime, there will be a separate instruction covering the time period involved, which will result in *multiple instructions* separated by their distinct effective dates.



- **Example:**

CR 503.02 Murder R.C. 2903.02 (offenses committed on and after 9/6/96 but before 6/30/98) and CR 503.02 Murder R.C. 2903.02 (offenses committed on and after 6/30/98) [Rev. 2/24/07]

- When a **minor change** has occurred, the change will be reflected *within* the text of *one* instruction, with a parenthetical indication of the effective date of the change.

- **Example:**

CV 451.19 Affirmative defenses, § 4. UNFORSEEABLE USE OF PRODUCT (Common law claims only arising before 4/7/05).

- **Revision date.** More recent instruction titles are followed by an italicized and bracketed indication of when the Ohio Jury Instructions Committee last drafted or revised that instruction. Users are cautioned that instructions can quickly become outdated due to changes in statutes and case law. Additional research to validate whether any given instruction is up to date is recommended.

- **Example:**

CV 453.01 Tortious interference with business relations [Rev. 2/23/08]

- **Use of (ADDITIONAL).** Section headings may be accompanied by the parenthetical characterization “ADDITIONAL.” The use of “(ADDITIONAL)” means that the trial judge *should* read and submit the instruction to the jury only when it is applicable or required based on the specific circumstances or facts of the case involved.

- **Example:**

CV 517.07 Collateral in possession of secured party R.C. 1309.27 [UCC § 9-207] [Rev. 2/24/07], § 3. FUNGIBLE (ADDITIONAL).

- **Use of (OPTIONAL).** Section headings may be accompanied by the parenthetical characterization “OPTIONAL.” “OPTIONAL” instructions may be used to further define or amplify an existing instruction. The use of “(OPTIONAL)” means that the trial judge *may* read and submit the instruction to the jury when it is applicable based on the specific circumstances or facts of the case involved. Inclusion of an “OPTIONAL” instruction is at the discretion of the trial judge.

- **Example:**

CV 417.01 Standards of care: physician/surgeon [Rev. 3/28/09], § 7. FREEDOM FROM NEGLIGENCE (OPTIONAL).

- **Sections within instruction.** Each instruction in *OJI* is usually broken into numbered sections, which can be further broken into lettered subsections. Often this will track statutory numbering and lettering. For example, subsections in a criminal instruction may include (A), (B), and (D)—skipping (C) if the statutory (C) does not constitute an offense. Definitional sections always follow the order in which the terms were first used in the body of the preceding instruction.

- **Need to fill in blanks.** Within a section of an instruction, there may be places where a blank exists. Users must fill in the blanks with the applicable information arising from the circumstances and facts of the case involved.



- **Example:**

CV 425.03 Negligence in proprietary functions, § 1(B). IDENTIFYING A PROPRIETARY FUNCTION. The decision whether a particular activity relates to a proprietary function is a matter of law for the court. I instruct you that \_\_\_\_\_ is a proprietary function (and that \_\_\_\_\_ is not a proprietary function).

- **Example of actual instruction given to jury:**

The decision whether a particular activity relates to a proprietary function is a matter of law for the court. I instruct you that selling used computers is a proprietary function and that awarding contracts for the construction of roads is not a proprietary function.

- **Parenthetical alternatives.** Within a section of an instruction, there may be two or more possible choices presented as alternative content contained within separate parentheses. Sometimes the alternatives indicate possible choices that will have to be made so that the instruction matches the circumstances and facts of the case involved. Inapplicable choices should never be presented to the jury. At other times, the alternatives will indicate possible choices between content that mean the same thing; the trial judge should select the most clear or most easily understood choice. In written instructions distributed to a jury, the trial judge should delete the use of parentheses and instead simply include only the applicable word or words selected.

- **Example:**

CV 401.07 Foreseeability [Rev. 1/10/04], § 1. GENERAL. In deciding whether (reasonable) (ordinary) care was used, you will consider whether (the defendant) (either party) in question should have foreseen under the circumstances that the likely result of an act or failure to act would cause some (injury) (damage).

- **Example of actual instruction given to jury:**

In deciding whether reasonable care was used, you will consider whether the defendant in question should have foreseen under the circumstances that the likely result of an act or failure to act would cause some injury.

- **Parenthetical language.** Within a suggested instruction, there may be language contained in parentheses that is not an alternative content choice, but is instead content that the trial judge should read and submit to the jury only when it is applicable or required based on the specific circumstances or facts of the case involved. This parenthetical language serves the same function as model instructions contained in sections headings containing the use of “(ADDITIONAL)” as explained above. Because the parenthetical language is often less than a sentence, it has not received its own section heading.

- **Example:** If you find that the state proved beyond a reasonable doubt all the essential elements of the offense of \_\_\_\_\_, your verdict must be guilty (as to one or more of the defendants, according to your findings).

- **Multiple parentheticals.** Parentheses usually indicate two or more possible choices presented as alternative content. Sometimes, however, multiple parentheticals indicate two or more units of thought that, by virtue of necessary sentence structure, fall as back-to-back parentheticals, not all of which are alternatives to one another. The last



parenthetical(s) may require another selection between distinct alternatives or, as shown below, it may require insertion of a distinct unit of thought.

• **Example:**

The defendant caused the death of (*insert name of victim*) as a proximate result of (committing) (attempting to commit) (*insert name of offense of violence*).

• **Italics.** Similar to the use of blanks, when content is placed in italics, a user must supply the specific necessary content.

• **Example:**

CV 453.07 Tortious Interference with expectancy of inheritance [Rev. 12/5/09], § 1. GENERAL. The plaintiff claims that the defendant intentionally interfered with his/her/its expectancy of inheritance from (*insert name of decedent*) and that the plaintiff was damaged as a result.

• **Presentation of alternatives.** Depending upon the circumstances and facts of the case involved, there is often a need to present alternative instructions to a jury. Alternative instructions are separated by “(or).” When the trial judge should select only one of a number of possible alternative instructions, italicized language preceding the list of choices directs the judge to “(*Use appropriate alternative*).” When there is a possible need to read and submit more than one alternative to the jury, italicized language preceding the list of choices directs the trial judge to “(*Use appropriate alternative[s]*).”

• **Example:**

CV 433.01 Right of publicity in individual's persona R.C. Chapter 2741 (claims arising on and after 11/22/99) [Rev. 5/8/10], § 4. COMMERCIAL PURPOSE. “Commercial purpose” means the use of or reference to an aspect of an individual's (name) (voice) (signature) (photograph) (image) (likeness) (distinctive appearance)

(*Use appropriate alternative[s]*)

(A) on or in connection with a place, product, merchandise, goods, services, or other commercial activities;

(or)

(B) for advertising or soliciting the purchase of products, merchandise, goods, services, or other commercial activities;

(or)

(C) for the purpose of promoting travel to a place;

(or)

(D) for the purpose of fundraising.

• **Example of actual instruction given to jury:**

“Commercial purpose” means the use of or reference to an aspect of an individual's distinctive appearance for advertising or soliciting the purchase of products, merchandise, goods, services, or other commercial activities.

• **Comments.** *OJI* frequently includes material set out under the heading of a “COMMENT.” Comments generally include references to statutory and case law



authority that provide the source for the model instruction given. Other content included as commentary can include explanations by the Ohio Jury Instructions Committee for a model instruction, suggestions for the trial judge, and indications of what by consensus the Committee believes in regard to an instruction. Comments may also contain material explaining the applicability or limitations of an instruction. The research reflected in a comment should not be considered exhaustive and cannot be relied upon as the most current authority on the issue dealt with by the instruction. No material under a "COMMENT" heading should ever be read or submitted to the jury.

- **Use of "Drawn from."** "Drawn from" is used when the text of the instruction follows the language in the cited authority but not verbatim.

- **Example:**

CV 617.03 Invitee; business visitor [Rev. 10/9/09], § 4. OPEN AND OBVIOUS.

#### COMMENT

Drawn from *Armstrong v. Best Buy Co. Inc.*, 99 Ohio St.3d 79, 2003-Ohio-2573; *Simmers v. Bentley Constr. Co.*, 64 Ohio St.3d 642, 1992-Ohio-42. The "open and obvious" doctrine remains a viable part of Ohio law. The split among the appellate courts is effectively reconciled by the "attendant circumstances" exception to the doctrine. Both instructions ("open and obvious" and "attendant circumstances") should be given whenever the trial court has decided to instruct on "open and obvious."

In *Robinson v. Bates*, 112 Ohio St.3d 17, 2006-Ohio-6362, the Court held that, although the open and obvious doctrine can excuse a defendant's breach of a common-law duty of care, it does not override statutory duties because the violation of a statutory duty constitutes negligence per se. In *Lang v. Holly Hill Motel, Inc.*, 122 Ohio St.3d 120, 2009-Ohio-2495, the Court held that the open and obvious doctrine may be asserted as a defense to a claim of liability arising from a violation of the Ohio Basic Building Code because administrative rule violations do not constitute negligence per se.

- **Definitions.** When an instruction uses a term or terms that need to be defined for a jury, a subsequent numbered section or subsection in that instruction provides either the definition or a reference to elsewhere in *OJI* or in the Ohio Revised Code where the definition to be read and submitted to the jury exists.

- **Examples:**

CV 453.07 Tortious interference with expectancy of inheritance, § 6. UNDUE INFLUENCE. "Undue influence" means that which overpowers the will of a person and induces him/her into making a distribution of his/her property that he/she would not have made if left to act freely and according to his/her own plans and desires.

CV 453.07 Tortious interference with expectancy of inheritance, § 7. REASONABLY CERTAIN. *OJI*-CV 315.01 (offenses committed on and after 4/7/05) § 10.

- **Verdict forms.** *OJI* includes some suggested templates for verdict forms, often set forth at the end of a particular instruction.

- **Interrogatories.** *OJI* sometimes includes model interrogatories. Generally, these are provided when interrogatories are required by statute or case law. Depending upon the



facts of the case and the number and identity of the parties, interrogatories may need to be modified, and judges should thoroughly examine and, if necessary, edit the interrogatories before submitting them to a jury.

- **Language and style.** When pronoun usage depends upon the gender-specific (or neutral) selection of content, *OJI* indicates the possible choices by using “he/she/it” or “his/her/its.” In selecting the applicable pronoun, the trial judge may elect to modify proposed choices to use gender-neutral language as appropriate. When the appropriate form of an article depends on the selection of content, *OJI* indicates the possible options by using “a/an.” The trial judge should select the applicable article and not provide the jury with both article options.

- **Other explanatory material.** Primarily intended for new judges and practitioners, *OJI* includes several sections discussing how to conduct a jury trial, including checklists and sample instructions. This material is set forth at Title 1 and Title 2 of both volumes.

- **Citation within *OJI*.** *OJI* adheres to the *Ohio Manual of Citations*. Where the *Manual* does not provide guidance on citation form, *OJI* then follows *The Bluebook: A Uniform System of Citation*.

- **Citation of *OJI*.** In the state courts of Ohio, users should follow the *Ohio Manual of Citations* when citing *OJI*.

- **Example:**

*Ohio Jury Instructions*, CV Section 537.17 (Rev. Dec. 10, 2011)

- **Contributing suggestions to *OJI*.** The Committee welcomes input from both bench and bar. Proposed instructions or communications raising specific concerns that are supported by existing law or its interpretation may be submitted in writing through the Ohio Judicial Conference or members of the Committee.

[The body of the document contains several paragraphs of text that are extremely faded and illegible. The text appears to be organized into sections, possibly separated by headings or subheadings, but the specific content cannot be discerned.]



# OHIO JURY INSTRUCTIONS

---

*A collection of STANDARD JURY  
INSTRUCTIONS in civil and criminal  
cases prepared by the Jury Instructions  
Committee of the Ohio Judicial  
Conference.*

CRIMINAL INSTRUCTIONS  
SPECIAL TOPICS (cont.)  
TRAFFIC



LexisNexis

## QUESTIONS ABOUT THIS PUBLICATION?

For questions about the **Editorial Content** appearing in these volumes or reprint permission, please call:

Paul R. Johnson, J.D. at ..... 716-487-2192

Email: ..... paul.r.johnson@lexisnexis.com

James V. Codella, J.D. at ..... 609-246-1109

Email: ..... james.v.codella@lexisnexis.com

Outside the United States and Canada, please call ..... (973) 820-2000

For assistance with replacement pages, shipments, billing or other customer service matters, please call:

Customer Services Department at ..... (800) 833-9844

Outside the United States and Canada, please call ..... (518) 487-3385

Fax Number ..... (800) 828-8341

Customer Service Website ..... <http://www.lexisnexis.com/custserv/>

For information on other Matthew Bender publications, please call

Your account manager or ..... (800) 223-1940

Outside the United States and Canada, please call ..... (937) 247-0293

ISBN: 978-1-59345-588-0 (3-volume set)

ISBN: 978-1-59345-590-3 (2-volume set; volumes 2-3)

Copyright (c) 2021 The Ohio Judicial Conference. All Rights Reserved.

### Library of Congress Cataloging-in-Publication Data

Ohio jury instructions : a collection of standard jury instructions in civil and criminal cases / prepared by the Jury Instructions Committee of the Ohio Judicial Conference.

p. cm.

Includes index.

ISBN 978-1-59345-590-3 (looseleaf binders) 1. Instructions to juries—Ohio—Forms. 2. Instructions to juries—Ohio. I.

Ohio Judicial Conference. Jury Instructions Committee.

KFO542.6.A65 O3722

347.771'0758—dc22

2008044665

This publication is designed to provide authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

LexisNexis and the Knowledge Burst logo are registered trademarks of RELX Inc. Matthew Bender and the Matthew Bender Flame Design are registered trademarks of Matthew Bender Properties Inc.

Editorial Office  
230 Park Ave., 7th Floor, New York, NY 10169 (800) 543-6862  
[www.lexisnexis.com](http://www.lexisnexis.com)

MATTHEW  BENDER



# **OHIO JURY INSTRUCTIONS COMMITTEE**

## *of the*

# **OHIO JUDICIAL CONFERENCE**

---

### ***Editorial Board***

Hon. Patrick Carroll, Co-Chair

Hon. Charles A. Schneider

Hon. Mary Jane Trapp, Co-Chair

Hon. Brendan Sheehan

Hon. John F. Bender

Hon. Mag. Myron A. Thompson, IV

Hon. Candace Crouse

Gregory M. Travaglio

Hon. Mary E. Donovan

Hon. Stephen Wolaver

Hon. John A. Enlow

Hon. Lee Sinclair, Special Projects Editorial  
Consultant

Hon. David Gormley

Elizabeth I. Cooke, Editorial Consultant

Hon. Tammie Hursh

Shawn K. Judge, Editorial Consultant

Hon. H.F. Inderlied, Jr.

Hon. Jeffrey L. Reed

### ***Editorial Assistants***

Jennifer Hansen

Kristin Schultz

### ***Judicial Services Coordinator***

Shawn Welch

AMERICAN OVERSIGHT

REPORT

2021

AMERICAN OVERSIGHT



# Volume 3 Table of Contents

A COMPLETE SYNOPSIS FOR EACH CHAPTER APPEARS AT  
THE BEGINNING OF THE CHAPTER

## **TITLE 5                      CRIMINAL SUBJECT MATTER INSTRUCTIONS (continued)**

### **Chapter CR 517              OFFENSES AGAINST THE PUBLIC PEACE**

---

CR 517.01	Inciting to violence R.C. 2917.01 [Rev. 9-13-03]
CR 517.02(A)	Aggravated riot R.C. 2917.02(A) [Rev. 5-31-02]
CR 517.02(B)	Aggravated riot R.C. 2917.02(B) [Rev. 5-31-02]
CR 517.03	Riot R.C. 2917.03 [Rev. 5-31-02]
CR 517.11(A)	Disorderly conduct R.C. 2917.11(A) (offenses committed on and after 1/25/02 but before 3/23/19) [Rev. 9/14/19]
CR 517.11(A)	Disorderly conduct R.C. 2917.11(A) (offenses committed on and after 3/23/19) [Rev. 9/14/19]
CR 517.11(B)	Disorderly conduct R.C. 2917.11(B) (offenses committed on and after 1/25/02 but before 3/23/19) [Rev. 9/14/19]
CR 517.11(B)	Disorderly conduct R.C. 2917.11(B) (offenses committed on and after 3/23/19) [Rev. 9/14/19]
CR 517.12	Disturbing a lawful meeting R.C. 2917.12 [Rev. 5-31-02]
CR 517.13	Misconduct at an emergency R.C. 2917.13 [Rev. 5-31-02]
CR 517.21(A)	Telecommunications harassment R.C. 2917.21(A) (offenses committed before 8/16/16) [Rev. 1/7/17]
CR 517.21(A)	Telecommunications harassment R.C. 2917.21(A) (offenses committed on and after 8/16/16) [Rev. 1/7/17]
CR 517.21(B)	Telecommunications harassment R.C. 2917.21(B) (offenses committed before 8/16/16) [Rev. 1/7/17]
CR 517.21(B)	Telecommunications harassment R.C. 2917.21(B) (offenses committed on and after 8/16/16) [Rev. 1/7/17]
CR 517.31	Inducing panic R.C. 2917.31 [Rev. 9/14/13]
CR 517.32	Making false alarms R.C. 2917.32 [Rev. 9/14/13]
CR 517.33	Unlawful possession or use of a hoax weapon of mass destruction R.C. 2917.33 [Rev. 12-11-10]
CR 517.40	Crowd safety R.C. 2917.40 [Rev. 5-31-02]
CR 517.41	Misconduct involving a public transportation system R.C. 2917.41 [Rev. 5-31-02]
CR 517.47	Improperly handling infectious agents R.C. 2917.47 [Rev. 5-31-02]

### **Chapter CR 519              OFFENSES AGAINST THE FAMILY**

---

CR 519.01	Bigamy R.C. 2919.01
CR 519.12(A)	Unlawful abortion R.C. 2919.12(A)
CR 519.12(B)	Unlawful abortion R.C. 2919.12(B)

---

## Volume 3 Table of Contents

CR 519.13(A)	Abortion manslaughter R.C. 2919.13(A)
CR 519.13(B)	Abortion manslaughter R.C. 2919.13(B)
CR 519.14	Abortion trafficking R.C. 2919.14
CR 519.17	Terminating or attempting to terminate a human pregnancy after viability R.C. 2919.17 (offenses committed on and after 10/20/11) [ <i>Rev. 1/7/17</i> ]
CR 519.18	Failure to perform viability testing R.C. 2919.18 (offenses committed on and after 10/20/11) [ <i>Rev. 8/10/16</i> ]
CR 519.21(A)	Nonsupport of dependents R.C. 2919.21(A) (offenses committed before 9/30/11) [ <i>Rev. 3-16-13</i> ]
CR 519.21(A)	Nonsupport of dependents R.C. 2919.21(A) and (B) (offenses committed on and after 2/11/19) [ <i>Rev. 3/7/20</i> ]
CR 519.21(A)–(B)	Nonsupport of dependents R.C. 2919.21(A) and (B) (offenses committed on and after 9/30/11 but before 2/11/19) [ <i>Rev. 3/7/20</i> ]
CR 519.21(B)	Nonsupport of dependents R.C. 2919.21(B) (offenses committed before 9/30/11) [ <i>Rev. 8/9/17</i> ]
CR 519.21(B)	Nonsupport of dependents R.C. 2919.21(A) (offenses committed on and after 2/11/19) [ <i>Rev. 3/7/20</i> ]
CR 519.21(C)	Contributing to nonsupport of dependents R.C. 2919.21(C) (offenses committed on and after 9/30/11) [ <i>Rev. 8/9/17</i> ]
CR 519.22	Endangering children R.C. 2919.22 (offenses committed before 8/11/04) [ <i>Rev. 5-4-13</i> ]
CR 519.22	Endangering children R.C. 2919.22 (offenses committed on and after 8/11/04) [ <i>Rev. 5-4-13</i> ]
CR 519.23(A)	Interference with custody R.C. 2919.23(A) (offenses committed before 10/12/16) [ <i>Rev. 11/5/16</i> ]
CR 519.23(A)	Interference with custody R.C. 2919.23(A) (offenses committed on and after 10/12/16) [ <i>Rev. 11/5/16</i> ]
CR 519.23(B)	Interference with custody R.C. 2919.23(B)
CR 519.24	Contributing to unruliness or delinquency of a child R.C. 2919.24 (offenses committed before 1/1/02) [ <i>Rev. 1/21/18</i> ]
CR 519.24(A)(3)	Contributing to unruliness or delinquency of a child R.C. 2919.24(A)(3) (offenses committed on and after 1/1/02 but before 7/31/03) [ <i>Rev. 1/20/18</i> ]
CR 519.24(A)(3)	Contributing to unruliness or delinquency of a child R.C. 2919.24(A)(3) (offenses committed on and after 7/31/03 but before 4/6/17) [ <i>Rev. 1/20/18</i> ]
CR 519.24(B)(1)	Contributing to unruliness or delinquency of a child R.C. 2919.24(B)(1) (offenses committed on and after 1/1/02) [ <i>Rev. 1/20/18</i> ]
CR 519.24(B)(2)	Contributing to unruliness or delinquency of a child R.C. 2919.24(B)(2) (offenses committed on and after 1/1/02) [ <i>Rev. 1/20/18</i> ]
CR 519.24(B)(3)	Contributing to unruliness or delinquency of a child R.C. 2919.24(B)(3) (offenses committed on and after 4/6/17) [ <i>Rev. 1/20/18</i> ]
CR 519.24(B)(4)	Contributing to unruliness or delinquency of a child R.C. 2919.24(B)(4) (offenses committed on and after 4/6/17) [ <i>Rev. 1/20/18</i> ]



---

## Volume 3 Table of Contents

CR 519.25	Domestic violence (offenses committed before 4/7/09) R.C. 2919.25 [Rev. 5/3/14]
CR 519.25	Domestic violence R.C. 2919.25 (offenses committed on and after 4/7/09) [Rev. 3/7/20]
CR 519.27	Violating a protection order R.C. 2919.27 (offenses committed on and after 6/17/10 but before 9/27/17) [Rev. 10/14/17]
CR 519.27	Violating a protection order R.C. 2919.27 (offenses committed on and after 9/27/17) [Rev. 10/14/17]
CR 519.121	Unlawful abortion (upon a minor) R.C. 2919.121 (offenses committed on and after 2/3/12) [Rev. 8/10/16]
CR 519.151	Partial birth feticide R.C. 2919.151 (offenses committed on and after 8/18/00) [Rev. 8/10/16]
CR 519.171	Abortion report falsification R.C. 2919.171 (offenses committed on and after 10/20/11) [Rev. 1-7-17]
CR 519.222	Parental education neglect R.C. 2919.222 (offenses committed on and after 10/29/96) [Rev. 8/10/16]
CR 519.224	Misrepresentation by a child care provider R.C. 2919.224 (offenses committed on and after 5/18/05) [Rev. 8/10/16]
CR 519.225	Failure of a type A or type B family day-care home to disclose the death or serious injury of a child R.C. 2919.225 (offenses committed on and after 5/18/05) [Rev. 1/7/17]
CR 519.231	Interfering with action to issue or modify support order R.C. 2919.231

---

### Chapter CR 521      OFFENSES AGAINST JUSTICE AND PUBLIC ADMINISTRATION

---

CR 521.02	Bribery R.C. 2921.02 (offenses committed before 10/1/12) [Rev. 9/12/20]
CR 521.02	Bribery R.C. 2921.02 (offenses committed on and after 10/1/12) [Rev. 9/12/20]
CR 521.03	Intimidation R.C. 2921.03 (offenses committed on and after 11/6/96)
CR 521.04	Intimidation of a(n) attorney, victim or witness in a criminal case R.C. 2921.04 (offenses committed on and after 9/3/96 but before 6/4/12) [Rev. 5-12-12]
CR 521.04	Intimidation of a/an attorney, victim, or witness in a criminal case R.C. 2921.04 (offenses committed on and after 6/4/12) [Rev. 9/12/20]
CR 521.05	Retaliation R.C. 2921.05 [Rev. 9/12/20]
CR 521.11	Perjury R.C. 2921.11
CR 521.12	Tampering with evidence R.C. 2921.12
CR 521.13	Falsification; in theft offense; to purchase firearm; to obtain concealed-handgun license; regarding a removal proceeding R.C. 2921.13 (offenses committed on and after 3/23/15) [Rev. 10/10/20]
CR 521.14	Making or causing a false report of child abuse or neglect R.C. 2921.14
CR 521.17	Restrictions on present or former public officials or employees R.C. 102.03 (offenses committed on and after 9/29/17) [Rev. 1/30/21]
CR 521.21	Compounding a crime R.C. 2921.21

---

## Volume 3 Table of Contents

CR 521.22(A)	Failure to report a crime: a felony or the unauthorized use of computer, cable, or telecommunication property R.C. 2921.22(A) (offenses committed on and after 4/7/09) <b>[Rev. 10/10/20]</b>
CR 521.22(B)	Failure to report a crime: gunshot/stab wound R.C. 2921.22(B) (offenses committed on and after 4/6/17) <b>[Rev. 10/10/20]</b>
CR 521.22(C)	Failure to report knowledge of a death R.C. 2921.22(C) (offenses committed on and after 4/6/17) <b>[Rev. 10/10/20]</b>
CR 521.22(D)	Failure to report knowledge of a death R.C. 2921.22(D) (offenses committed on and after 3/18/97)
CR 521.22(E)	Failure to report a burn injury R.C. 2921.22(E) (offenses committed on and after 4/6/17) <b>[Rev. 10/10/20]</b>
CR 521.24	Disclosure of confidential information R.C. 2921.24 (offenses committed on and after 3/30/07) <b>[Rev. 11/7/20]</b>
CR 521.31	Obstructing official business R.C. 2921.31 <b>[Rev. 11/7/20]</b>
CR 521.32(A)	Obstructing justice, where the person aided by the defendant was an adult R.C. 2921.32 (offenses committed on and after 6/27/12) <b>[Rev. 5/22/21]</b>
CR 521.32(B)	Obstructing justice, where the person aided by the defendant was a minor R.C. 2921.32 (offenses committed on and after 6/27/12) <b>[Rev. 5/22/21]</b>
CR 521.321(A)	Assaulting a police dog or police horse R.C. 2921.321 <b>[Rev. 5/22/21]</b>
CR 521.321(B)	Harassing a police dog or police horse R.C. 2921.321 <b>[Rev. 5/22/21]</b>
CR 521.321(C)	Assaulting an assistance dog R.C. 2921.321 <b>[Rev. 5/22/21]</b>
CR 521.321(D)	Harassing an assistance dog R.C. 2921.321 <b>[Rev. 5/22/21]</b>
CR 521.33	Resisting arrest R.C. 2921.33 (offenses committed on and after 9/16/97) <b>[Rev. 5/22/21]</b>
CR 521.331	Failure to comply with order or signal of police officer R.C. 2921.331
CR 521.34(A)(1)	Escape R.C. 2921.34(A)(1) (offenses committed before 9/30/11) <b>[Rev. 12-10-11]</b>
CR 521.34(A)(1)	Escape R.C. 2921.34(A)(1) (offenses committed on and after 9/30/11) <b>[Rev. 12-10-11]</b>
CR 521.34(A)(2)	Escape R.C. 2921.34(A)(2) (offense committed by sexually violent predator on and after 1/1/97)
CR 521.35(A)	Aiding escape or resistance to lawful authority (conveyance of instrument or thing into detention facility) R.C. 2921.35(A)
CR 521.35(B)	Aiding escape or resistance to lawful authority R.C. 2921.35(B)
CR 521.36	Interference with custody R.C. 2919.23(A) (offenses committed on and after 10/12/16) <b>[Rev. 11/5/16]</b>
CR 521.38	Harassment by inmate R.C. 2921.38 (offenses committed on and after 6/11/97 but before 4/4/07) <b>[Rev. 5-03-08]</b>
CR 521.38	Harassment with bodily substance R.C. 2921.38 (offenses committed on and after 4/4/07) <b>[Rev. 5-03-08]</b>
CR 521.41	Theft in office R.C. 2921.41
CR 521.42	Having an unlawful interest in a public contract R.C. 2921.42 <b>[Rev. 1-22-11]</b>



---

## Volume 3 Table of Contents

CR 521.43(A)	Soliciting improper compensation (illegal or additional compensation) R.C. 2921.43(A)
CR 521.43(B)	Soliciting improper compensation (for appointment, preference) R.C. 2921.43(B)
CR 521.43(C)	Soliciting improper compensation (coerced contributions) R.C. 2921.43(C)
CR 521.44(A)	Dereliction of duty (law enforcement officer) R.C. 2921.44(A)
CR 521.44(B)	Dereliction of duty (law enforcement, ministerial, judicial officer) R.C. 2921.44(B)
CR 521.44(C)	Dereliction of duty (officer of a detention facility) R.C. 2921.44(C)
CR 521.44(D)	Dereliction of duty (public official) R.C. 2921.44(D)
CR 521.44(E)	Dereliction of duty (public servant) R.C. 2921.44(E)
CR 521.45	Interfering with civil rights R.C. 2921.45
CR 521.51(B)	Impersonating a peace officer or private policeman R.C. 2921.51(B)
CR 521.51(C)	Impersonating a peace officer or private policeman (arrest or search) R.C. 2921.51(C)
CR 521.51(D)	Impersonating a peace officer or private policeman (to commit or facilitate an offense) R.C. 2921.51(D)
CR 521.51(E)	Impersonating a peace officer or private policeman (while committing a felony) R.C. 2921.51(E)
CR 521.52	Using sham legal process R.C. 2921.52

---

<b>Chapter CR 523</b>	<b>CONSPIRACY, ATTEMPT, AND COMPLICITY; WEAPONS CONTROL</b>
-----------------------	---

---

CR 523.01	Conspiracy R.C. 2923.01 (offenses committed before 7/1/96)
CR 523.01	Conspiracy R.C. 2923.01 (offenses committed on and after 7/1/96)
CR 523.02	Attempt R.C. 2923.02 (offenses committed before 7/1/96)
CR 523.02	Attempt R.C. 2923.02 (offenses committed on and after 7/1/96) [Rev. 2-16-13]
CR 523.03(A)	Complicity R.C. 2923.03 (offenses committed on and after 7/1/96) [Rev. 2/6/16]
CR 523.03(B)	Complicity (Principal Offense) R.C. 2923.03 (offenses committed on and after 7/1/96) [Rev. 2/6/16]
CR 523.12	Carrying concealed weapons R.C. 2923.12 (offenses committed before 3/21/17) [Rev. 11/18/17]
CR 523.12	Carrying concealed weapons R.C. 2923.12 (offenses committed on and after 3/21/17) [Rev. 5/22/21]
CR 523.121	Illegal possession of firearm in liquor permit premises R.C. 2923.121 (offenses committed on and after 3/21/17 but before 3/29/19) [Rev. 6/27/20]
CR 523.121	Illegal possession of firearm in liquor permit premises R.C. 2923.121 (offenses committed on and after 3/29/19) [Rev. 6/27/20]

---

## Volume 3 Table of Contents

CR 523.1211	Falsification of concealed handgun license or possessing revoked or suspended license R.C. 2923.1211 (offenses committed on and after 4/8/04) [Rev. 2-21-09]
CR 523.122	Illegal conveyance or possession of deadly weapon or dangerous ordnance or illegal possession of object indistinguishable from firearm in school safety zone R.C. 2923.122 (offenses committed on and after 8/6/99 but before 3/21/17) [Rev. 12/9/17]
CR 523.122	Illegal conveyance or possession of deadly weapon or dangerous ordnance or illegal possession of object indistinguishable from firearm in school safety zone R.C. 2923.122 (offenses committed on and after 3/21/17) [Rev. 12/9/17]
CR 523.123	Illegal conveyance, possession or control of a deadly weapon or dangerous ordnance in a courthouse R.C. 2923.123 (offenses committed on and after 3/14/07 but before 3/21/17) [Rev. 1/21/18]
CR 523.123	Illegal conveyance, possession, or control of a deadly weapon or dangerous ordnance in a courthouse R.C. 2923.123 (offenses committed on and after 3/21/17) [Rev. 1/20/18]
CR 523.123(A)	Illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse R.C. 2923.123(A) (offenses committed before 3/14/07) [Rev. 2-21-09]
CR 523.123(B)	Illegal possession or control of a deadly weapon or dangerous ordnance in a courthouse R.C. 2923.123(B) (offenses committed before 3/14/07) [Rev. 2-21-09]
CR 523.13(A)	Having weapons while under disability R.C. 2923.13(A) (offenses committed on and after 8/4/04 but before 9/30/11) [Rev. 9/14/19]
CR 523.13(A)	Having weapons while under disability R.C. 2923.13(A) (offenses committed on and after 9/30/11 but before 3/23/15) [Rev. 9/14/19]
CR 523.13(A)	Having weapons while under disability R.C. 2923.13(A) (offenses committed on and after 3/23/15) [Rev. 9/14/19]
CR 523.131	Possession of a deadly weapon while under detention R.C. 2923.131
CR 523.132	Use of firearm by violent career criminal R.C. 2923.132 (offenses committed on and after 9/14/16) [Rev. 10/14/17]
CR 523.15	Using weapons while intoxicated R.C. 2923.15
CR 523.16	Improperly handling firearms in a motor vehicle R.C. 2923.16 (offenses committed on and after 3/27/13 but before 3/21/17) [Rev. 12/8/18]
CR 523.16	Improperly handling firearms in a motor vehicle R.C. 2923.16 (offenses committed on and after 3/21/17 but before 9/28/18) [Rev. 12/8/18]
CR 523.16	Improperly handling firearms in a motor vehicle R.C. 2923.16 (offenses committed on and after 9/28/18) [Rev. 12/8/18]
CR 523.161	Improperly discharging firearm at or into a habitation or a school safety zone or with the intent to cause harm or panic to persons in a school, school building, or at a school function or the evacuation of a school function R.C. 2923.161 (offenses committed on and after 10/11/02) [Rev. 2-21-09]



---

## Volume 3 Table of Contents

CR 523.162	Discharge of firearm on or near prohibited premises R.C. 2923.162 (offenses committed on and after 6/1/04) [Rev. 2-21-09]
CR 523.17	Unlawful possession of dangerous ordnance; illegally manufacturing or processing explosives R.C. 2923.17 (offenses committed on and after 7/1/96) [Rev. 1-22-11]
CR 523.19	Failure to secure dangerous ordnance R.C. 2923.19
CR 523.20	Unlawful transactions in weapons R.C. 2923.20 (offenses committed on and after 7/1/96)
CR 523.201(A)(1)	Defacing identification marks of firearm R.C. 2923.201(A)(1) [Rev. 2-21-09]
CR 523.201(A)(2)	Possessing defaced firearm R.C. 2923.201(A)(2) [Rev. 2-21-09]
CR 523.21	Improperly furnishing firearms to a minor R.C. 2923.21 (offenses committed on and after 7/1/96)
CR 523.211(B)	Underage purchase of a handgun R.C. 2923.211(B)
CR 523.24	Possessing criminal tools R.C. 2923.24 (offenses committed on and after 7/1/96)
CR 523.32(A)(1)	Engaging in pattern of corrupt activity R.C. 2923.32(A)(1) [Rev. 10/3/15]
CR 523.32(A)(2)	Engaging in pattern of corrupt activity R.C. 2923.32(A)(2) [Rev. 11-1-03]
CR 523.32(A)(3)	Engaging in pattern of corrupt activity R.C. 2923.32(A)(3) [Rev. 11-1-03]
CR 523.42	Participating in a criminal gang R.C. 2923.42(A) (offenses committed on and after 1/1/99)
CR 523.44	Forfeiture of property in connection with conviction for participation in a criminal gang

---

### Chapter CR 525 DRUGS

---

CR 525.02	Corrupting another with drugs R.C. 2925.02 (offenses committed on and after 7/22/98) [Rev. 1-5-13]
CR 525.03	Trafficking in drugs R.C. 2925.03 (offenses committed on and after 9/23/04) [Rev. 11/18/17]
CR 525.04	Illegal manufacture of drugs or cultivation of marihuana R.C. 2925.04 (offenses committed on and after 9/23/04 but before 5/17/06) [Rev. 11/18/17]
CR 525.04	Illegal manufacture of drugs or cultivation of marihuana R.C. 2925.04 (offenses committed on and after 5/17/06) [Rev. 11/18/17]
CR 525.041	Illegal assembly or possession of chemicals for the manufacture of drugs R.C. 2925.041 [Rev. 5-2-09]
CR 525.05	Funding, aggravated funding of drug or marihuana trafficking R.C. 2925.05 (offenses committed on and after 3/23/2000) [Rev. 1-5-13]
CR 525.06	Illegal administration or distribution of anabolic steroid R.C. 2925.06 [Rev. 5-2-09]
CR 525.09(A)	Trafficking in drugs that are not controlled substances R.C. 2925.09(A) (offenses committed on and after 7/22/98)

---

## Volume 3 Table of Contents

CR 525.09(B)	Trafficking in dangerous drugs for animals R.C. 2925.09(B) <i>[Rev. 1-26-08]</i>
CR 525.11	Aggravated possession of drugs, possession of drugs, marihuana, cocaine, L.S.D., heroin, or hashish R.C. 2925.11 (offenses committed on and after 9/13/16) <i>[Rev. 12/10/16]</i>
CR 525.12	Possessing drug abuse instruments R.C. 2925.12 (offenses committed on and after 7/1/96) <i>[Rev. 5-2-09]</i>
CR 525.13	Permitting drug abuse R.C. 2925.13 (offenses committed on and after 7/1/96)
CR 525.14(C)	Drug paraphernalia offenses R.C. 2925.14(C) (offenses committed on and after 7/1/96) <i>[Rev. 2/22/20]</i>
CR 525.22	Deception to obtain a dangerous drug R.C. 2925.22 (offenses committed on and after 7/1/96)
CR 525.23	Illegal processing of drug documents R.C. 2925.23 (offenses committed on and after 7/22/98) <i>[Rev. 5-2-09]</i>
CR 525.24	Tampering with drugs R.C. 2925.24 <i>[Rev. 5-2-09]</i>
CR 525.31	Abusing harmful intoxicants R.C. 2925.31 (offenses committed on and after 7/1/96)
CR 525.32	Trafficking in harmful intoxicants. R.C. 2925.32 (offenses committed on and after 1/1/97)
CR 525.33	Possessing nitrous oxide in a motor vehicle. R.C. 2925.33
CR 525.36	Illegal dispensing of drug samples R.C. 2925.36 (offenses committed on and after 7/1/96 but before 9/23/04) <i>[Rev. 11/18/17]</i>
CR 525.36	Illegal dispensing of drug samples R.C. 2925.36 (offenses committed on and after 9/23/04) <i>[Rev. 11/18/17]</i>
CR 525.37	Offenses involving counterfeit controlled substances R.C. 2925.37 (offenses committed on and after 7/1/96)
CR 525.42	Forfeiture of property in connection with felony drug abuse conviction
CR 525.55	Unlawful or improper purchase of pseudoephedrine or ephedrine products R.C. 2925.55 (offenses committed on and after 3/20/13) <i>[Rev. 2/8/14]</i>
CR 525.56	Unlawful sale of pseudoephedrine product R.C. 2925.56 (offenses committed on and after 5/17/06 but before 3/21/13) <i>[Rev. 2/8/14]</i>
CR 525.56	Unlawful or improper sale of a pseudoephedrine or ephedrine product R.C. 2925.56 (offenses committed on and after 3/20/13) <i>[Rev. 2/8/14]</i>

---

### Chapter CR 527 MISCELLANEOUS OFFENSES

---

CR 527.01	Abuse of a corpse R.C. 2927.01
CR 527.02(B)(1)	Illegal distribution of cigarettes or other tobacco products R.C. 2927.02(B)(1) (offenses committed on and after 3/15/01) <i>[Rev. 8/14/13]</i>
CR 527.02(B)(2)	Illegal distribution of cigarettes or other tobacco products R.C. 2927.02(B)(2) (offenses committed on and after 3/15/01) <i>[Rev. 8/14/13]</i>
CR 527.02(B)(3)	Permitting children to use cigarettes or other tobacco products R.C. 2927.02(B)(3) (offenses committed on and after 3/15/01) <i>[Rev. 8/14/13]</i>



---

## Volume 3 Table of Contents

CR 527.02(B)(4)	Illegal distribution of cigarettes or other tobacco products R.C. 2927.02(B)(4) [Rev. 8/14/13]
CR 527.02(B)(5)	Illegal distribution of cigarettes or other tobacco products R.C. 2927.02(B)(5) [Rev. 8/14/13]
CR 527.02(C)	Illegal distribution of cigarettes or other tobacco products R.C. 2927.02(C) (offenses committed before 7/5/02) [Rev. 8/14/13]
CR 527.02(C)	Illegal distribution of cigarettes or other tobacco products R.C. 2927.02(C) (offenses committed on and after 7/5/02) [Rev. 8/14/13]
CR 527.03	Interference with fair housing rights R.C. 2927.03.
CR 527.11	Desecration R.C. 2927.11
CR 527.12	Ethnic intimidation R.C. 2927.12
CR 527.13	Selling or donating contaminated blood R.C. 2927.13
CR 527.21	Duty to report escape of certain animals R.C. 2927.21
CR 527.22	Misuse of criminal record information R.C. 2927.22 (offenses committed on and after 1/18/18) [Rev. 10/13/18]
CR 527.24	Unlawful advertising of massage R.C. 2927.17 (offenses committed on and after 6/20/14) [Rev. 10/3/15]
CR 527.24(B)	Contaminating substance for human consumption or use R.C. 2927.24(B)
CR 527.24(C)	Spreading a false report of contamination. R.C. 2927.24(C)
CR 527.27(A)	Illegal bail bond agent practices. R.C. 2927.27(A) (offenses committed on and after 10/09/01)
CR 527.27(B)	Illegal bail bond agent practices R.C. 2927.27(B) (offenses committed on and after 10/09/01)

---

### Chapter CR 533      TRADE PRACTICES

---

CR 533.92	Pyramid sales plan or program R.C. 1333.92
-----------	--

---

### Chapter CR 541      INTRODUCTION TO SPECIFICATION(S) [REV. 9/20/14]

---

CR 541.01	Introduction to specification(s) [Rev. 11/18/17]
CR 541.141	Firearm specification (one-year specification) R.C. 2941.141 (offenses committed on and after 1/1/02) [Rev. 10/3/15]
CR 541.1411	Body armor specification R.C. 2941.1411 (offenses committed on and after 4/7/03) [Rev. 12/6/14]
CR 541.1412	Discharge of firearm at peace officer or corrections officer specification R.C. 2941.1412 (offenses committed on and after 4/7/03) [Rev. 12/6/14]
CR 541.1413	Felony OVI specification for third or fourth degree felony charge R.C. 2941.1413 (offenses committed on and after 9/23/04) [Rev. 5/7/16]
CR 541.1414	Victim of aggravated vehicular homicide specification R.C. 2941.1414 (offenses committed on and after 4/5/07) [Rev. 12/6/14]
CR 541.1418	Attempted rape specification R.C. 2941.1418 (offenses committed on and after 1/2/07) [Rev. 12/6/14]

---

## Volume 3 Table of Contents

CR 541.1419	Attempted rape specification victim under the age of ten/compelled by force or threat of force R.C. 2941.1419 (offenses committed on and after 1/2/07) [Rev. 12/6/14]
CR 541.1420	Attempted rape specification repeat offenders (offenses committed on and after 1/2/07) [Rev. 2/1/20]
CR 541.1421	Prostitution-related offense in proximity of school specification (offenses committed on and after 9/30/11) [Rev. 2/1/20]
CR 541.1422	Human trafficking specification (offenses committed on and after 9/30/11) [Rev. 2/1/20]
CR 541.1423	Pregnant victim specification (offenses committed on and after 9/30/11) [Rev. 2/1/20]
CR 541.1424	Violent career criminal specification (offenses committed on and after 9/14/16) [Rev. 2/1/20]
CR 541.1425	Use of accelerant specification (offenses committed on and after 10/17/17) [Rev. 2/1/20]
CR 541.1426	Victim under ten suffered permanent disabling harm specification (offenses committed on and after 3/20/19) [Rev. 2/1/20]
CR 541.142	Criminal gang activity specification R.C. 2941.142 [Rev. 12/6/14]
CR 541.143	School safety zone specification R.C. 2941.143 (offenses committed on and after 8/6/99) [Rev. 9/20/14]
CR 541.145	Displayed, brandished, or indicated possession of or used a firearm specification (three-year specification) R.C. 2941.145 (offenses committed on and after 1/1/02) [Rev. 10/3/15]

---

### Chapter CR 547 WATERCRAFT AND WATERWAYS VIOLATIONS

---

CR 547.11(A)(1)	Operating a vessel on water while under the influence of alcohol and/or a drug of abuse R.C. 1547.11(A)(1) (offenses committed on and after 1/1/04) [Rev. 1-21-06]
CR 547.11(A)(2)-(6)	Operating a vessel on water with a prohibited alcohol or drug concentration R.C. 1547.11(A)(2), (3), (4), (5) and (6) (offenses committed on and after 1/1/04) [Rev. 10-28-06]
CR 547.11(B)	Operating a vessel on water with a prohibited alcohol concentration (defendant under 21 years of age) R.C. 1547.11(B)(1), (2), (3), and (4) (offenses committed on and after 1/1/04) [Rev. 1-21-06]

---

### Chapter CR 550 REGISTRATION OF SEX OFFENDERS

---

CR 550.02	Habitual sex offender. Duty to register R.C. 2950.02 (offenses committed before 7/1/97)
CR 550.04	Duty to register R.C. 2950.04 (offenses committed on and after 7/1/97 but before 7/31/03) [Rev. 1-20-07]
CR 550.04	Duty to register or send notice of intent to reside R.C. 2950.04 (offenses committed on and after 7/31/03 but before 1/1/08) [Rev. 9-19-09]
CR 550.04	Duty to register and comply with registration requirements R.C. 2950.04 (offenses committed on and after 1/1/08) [Rev. 9-19-09]



---

## Volume 3 Table of Contents

CR 550.041	Duty to register or send notice of intent to reside resulting from child-victim oriented offense R.C. 2950.041 (offenses committed on and after 7/31/03 but before 1/1/08) <b>[Rev. 9-19-09]</b>
CR 550.041	Duty to register resulting from child-victim oriented offense; notice of intent to reside R.C. 2950.041(offenses committed on and after 1/1/08) <b>[Rev. 9-19-09]</b>
CR 550.05	Habitual sex offender. Notice of change of address; registration of new address R.C. 2950.05 (offenses committed before 7/1/97) <b>[Rev. 1-20-07]</b>
CR 550.05	Sexually oriented offender. Notice of change of address; registration of new address R.C. 2950.05 (offenses committed on and after 7/1/97 but before 7/31/03) <b>[Rev. 1-20-07]</b>
CR 550.05	Sexually oriented offender. Notice of change of address; registration of new address R.C. 2950.05 (offenses committed on and after 7/31/03 but before 4/29/05) <b>[Rev. 1-20-07]</b>
CR 550.05	Sexually oriented offender. Notice of change of address; registration of new address R.C. 2950.05 (offenses committed on and after 4/29/05 but before 1/1/08) <b>[Rev. 9-19-09]</b>
CR 550.05	Notice of change of address; registration of new address R.C. 2950.05 (offenses committed on and after 1/1/08) <b>[Rev. 9-19-09]</b>
CR 550.06	Periodic verification of current address R.C. 2950.06 (offenses committed on and after 7/1/97 but before 7/31/03) <b>[Rev. 1-20-07]</b>
CR 550.06	Periodic verification of current address R.C. 2950.06 (offenses committed on and after 7/31/03 but before 1/1/08) <b>[Rev. 9-19-09]</b>
CR 550.06	Periodic verification of current address R.C. 2950.06 (offenses committed on and after 1/1/08) <b>[Rev. 9-19-09]</b>

---

### Chapter CR 551 WILDLIFE VIOLATIONS

---

CR 551.01	Jacklighting prohibited R.C. 1533.161
CR 551.03	Injury of persons or property by hunters R.C. 1533.171
CR 551.05	Hunting without permission R.C. 1533.17
CR 551.07	Harassment of hunters R.C. 1533.03(A)
CR 551.09	Failure to obey order of wildlife officer R.C. 1533.03(B)
CR 551.11	Violation of division order R.C. 1531.02
CR 551.13	Crimes related to exotic animals (dangerous wild animals and restricted snakes) R.C. 935.18 (offenses committed on and after 9/5/12) <b>[Rev. 1-5-13]</b>

---

### Chapter CR 559 OFFENSES RELATED TO DOMESTIC ANIMALS

---

CR 559.03	Dog fighting R.C. 959.16 <b>[Rev. 1-26-08]</b>
CR 559.15	Animal fights R.C. 959.15 (offenses committed on and after 6/10/80) <b>[Rev. 3/5/16]</b>
CR 559.131	Cruelty to companion animals R.C. 959.131 (offenses committed on and after 9/4/03 but before 9/29/13) <b>[Rev. 10/19/13]</b>

---

## Volume 3 Table of Contents

CR 559.131	Cruelty to companion animals R.C. 959.131 (offenses committed on and after 9/29/13 but before 9/13/16) <b>[Rev. 2/1/20]</b>
CR 559.131	Cruelty to companion animals R.C. 959.131 (offenses committed on and after 9/13/16) <b>[Rev. 2/1/20]</b>

---

### Chapter CR 581      FORFEITURE LAW

---

CR 581.04	Criminal forfeiture of property R.C. 2981.04 (offenses committed on and after 4/6/17) <b>[Rev. 4/28/18]</b>
CR 581.07	Diminishing or interfering with forfeitable property R.C. 2981.07 (offenses committed on and after 7/1/07) <b>[Rev. 9-19-09]</b>

### TITLE 6              MISCELLANEOUS CRIMINAL INSTRUCTIONS

### TITLE 7              TRAFFIC INSTRUCTIONS

---

### Chapter CR 710      DRIVER'S LICENSE OFFENSES

---

CR 710.037	Driving under a twelve-point suspension R.C. 4510.037 (offenses committed on and after 1/1/04) <b>[Rev. 2/22/20]</b>
CR 710.11(A)	Operating a motor vehicle under suspension R.C. 4507.02(D)(1) (offenses committed before 1/1/04) <b>[Rev. 6-12-04]</b>
CR 710.11(A)	Operating a motor vehicle under a suspended license R.C. 4510.11(A) (offenses committed on and after 1/1/04 but before 10/16/09) <b>[Rev. 1-23-10]</b>
CR 710.11(A)	Operating a motor vehicle under a suspended license R.C. 4510.11(A) (offenses committed on and after 10/16/09) <b>[Rev. 1-23-10]</b>
CR 710.11(B)	Operating a motor vehicle in violation of license restriction R.C. 4507.02(B)(2) (offenses committed before 1/1/04) <b>[Rev. 6-12-04]</b>
CR 710.11(B)	Operating a motor vehicle in violation of license restriction R.C. 4510.11(B) (offenses committed on and after 1/1/04) <b>[Rev. 6-12-04]</b>
CR 710.12(A)(1)(a)	Operating a motor vehicle without a valid license (no license ever issued) R.C. 4510.12(A)(1) (offenses committed before 1/1/04) <b>[Rev. 11-20-04]</b>
CR 710.12(A)(1)(a)	Operating a motor vehicle without a valid license (no license ever issued) R.C. 4510.12(A)(1) (offenses committed on and after 6/1/04 but before 10/16/09) <b>[Rev. 1-23-10]</b>
CR 710.12(A)(1)(b)	Operating a motor vehicle without a valid license (expired license) (offenses committed before 1/1/04) <b>[Rev. 11-20-04]</b>
CR 710.12(A)(1)(b)	Operating a motor vehicle without a valid license (expired license) (offenses committed on and after 1/1/04) <b>[Rev. 11-20-04]</b>
CR 710.12(A)(2)	Operation without a valid motorcycle license or endorsement R.C. 4510.12(A)(2) (offenses committed before 1/1/04) <b>[Rev. 9-1-04]</b>
CR 710.12(A)(2)	Operating a motorcycle without a valid motorcycle license or endorsement R.C. 4510.12(A)(2) (offenses committed on and after 1/1/04 but before 10/16/09) <b>[Rev. 1-23-10]</b>
CR 710.14	Driving under OVI suspension R.C. 4510.14(A) (offenses committed on and after 1/1/04) <b>[Rev. 2/22/20]</b>



---

## Volume 3 Table of Contents

CR 710.16	Operating or permitting operation of a motor vehicle while under financial responsibility suspension R.C. 4507.02(B)(1) (offenses committed before 1/1/04) <b>[Rev. 4-17-04]</b>
CR 710.16	Operating or permitting operation of a motor vehicle while under financial responsibility suspension or cancellation R.C. 4510.16 (offenses committed on and after 1/1/04 but before 10/16/09) <b>[Rev. 1-23-10]</b>
CR 710.16	Operating or permitting operation of a motor vehicle while under financial responsibility suspension or cancellation R.C. 4510.16 (offenses committed on and after 10/16/09) <b>[Rev. 1-23-10]</b>
CR 710.21	Failure to reinstate license R.C. 4507.02(C) (offenses committed before 1/1/04) <b>[Rev. 5-22-04]</b>
CR 710.21	Failure to reinstate license R.C. 4510.21 (offenses committed on and after 1/1/04) <b>[Rev. 5-22-04]</b>

---

### Chapter CR 711 ALCOHOL TRAFFIC OFFENSES

---

CR 711.19	Operating under the influence of alcohol and/or drugs of abuse R.C. 4511.19(A)(1) (offenses committed before 1/1/04) <b>[Rev. 1-21-06]</b>
CR 711.19	Operating under the influence of alcohol and/or drugs of abuse R.C. 4511.19(A)(1) (offenses committed on and after 1/1/04 but before 6/1/04) <b>[Rev. 6-12-04]</b>
CR 711.19	Operating under the influence of alcohol and/or drugs of abuse R.C. 4511.19(A)(1) (offenses committed on and after 6/1/04) <b>[Rev. 6-12-04]</b>
CR 711.19(A)	Operating with a prohibited alcohol concentration (offenses committed before 6/30/03) R.C. 4511.19(A)(2), (3), (4), (5), (6), and (7) <b>[Rev. 1-10-04]</b>
CR 711.19(A)	Operating with a prohibited alcohol concentration (offenses committed on and after 6/30/03 but before 1/1/04) R.C. 4511.19(A)(2), (3), (4), (5), (6), and (7) <b>[Rev. 1-10-04]</b>
CR 711.19(A)	Operating with a prohibited alcohol concentration R.C. 4511.19(A)(2), (3), (4), (5), (6), (7), (8), and (9) (offenses committed on and after 1/1/04 but before 6/1/04) <b>[Rev. 6-12-04]</b>
CR 711.19(A)	Operating with a prohibited alcohol concentration R.C. 4511.19(A)(2), (3), (4), (5), (6), (7), (8), and (9) (offenses committed on and after 6/1/04) <b>[Rev. 6-12-04]</b>
711.19(A)(1)(b)-(j)	Operating with a prohibited alcohol or drug concentration R.C. 4511.19(A)(1)(b), (c), (d), (e), (f), (g), (h), (i) and (j) (offenses committed on and after 8/17/06) <b>[Rev. 10-28-06]</b>
CR 711.19(A)(2)	Operating under the influence of alcohol and/or drugs of abuse with refusal R.C. 4511.19(A)(2) (offenses committed on and after 9/23/04) <b>[Rev. 10-22-05]</b>
CR 711.19(B)	Operating with a prohibited alcohol concentration (defendant under 21 years of age) (offenses committed before 6/30/03) R.C. 4511.19(B) <b>[Rev. 1-10-04]</b>

---

## Volume 3 Table of Contents

CR 711.19(B)	Operating with a prohibited alcohol concentration (defendant under 21 years of age) (offenses committed on and after 6/30/03 but before 1/1/04) R.C. 4511.19(B) [Rev. 1-10-04]
CR 711.19(B)	Operating with a prohibited alcohol concentration (defendant under 21 years of age) R.C. 4511.19(B) (offenses committed on and after 1/1/04 but before 6/1/04) [Rev. 6-12-04]
CR 711.19(B)	Operating with a prohibited alcohol concentration (defendant under 21 years of age) R.C. 4511.19(B) (offenses committed on and after 6/1/04) [Rev. 6-12-04]
CR 711.194	Physical control of vehicle while under the influence R.C. 4511.194 [Rev. 1-10-04]
CR 711.203	Wrongful entrustment of motor vehicle (offenses committed before 1/1/04) R.C. 4507.33 [Rev. 2-7-04]
CR 711.203	Wrongful entrustment of motor vehicle (offenses committed on and after 1/1/04) R.C. 4511.203 [Rev. 2-7-04]

---

### Chapter CR 749 MOTOR VEHICLE CRIMES

---

CR 749.01	Stopping motor vehicle when signaled R.C. 4549.01 (offenses committed on and after 1/1/04) [Rev. 2-1-03]
CR 749.02	Failure to stop after an accident; exchange of identity and vehicle registration R.C. 4549.02 (offenses committed on and after 1/1/04 but before 9/13/16) [Rev. 12/9/17]
CR 749.02	Failure to stop after accident; exchange of identity and vehicle registration R.C. 4549.02 (offenses committed on and after 9/13/16) [Rev. 10/10/20]
CR 749.021	Failure to stop after a nonpublic road accident R.C. 4549.021 (offenses committed on and after 1/1/04 but before 9/13/16) [Rev. 12/9/17]
CR 749.021	Failure to stop after a nonpublic road accident R.C. 4549.021 (offenses committed on and after 9/13/16) [Rev. 12/9/17]
CR 749.03	Failure to stop after an accident involving the property of others R.C. 4549.03 (offenses committed on and after 1/1/04) [Rev. 2-25-12]
CR 749.62(A)	Tampering with vehicle identification numbers (VINs)
CR 749.62(B)	Tampering with owner's VIN
CR 749.62(C)	Counterfeit VIN
CR 749.62(D)	Possessing or dealing in vehicle with tampered VIN

---

### GENERAL INDEX

---



**CIVIL INSTRUCTIONS CORRELATION TABLE**

<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
1.01	OJI-CV 101.01
1.03	OJI-CV 101.03
1.05	OJI-CV 101.05
1.07	OJI-CV 101.07
1.09	OJI-CV 101.09
1.11	OJI-CV 101.11
1.13	OJI-CV 101.13
1.15	OJI-CV 101.15
1.17	OJI-CV 101.17
1.19	OJI-CV 101.19
1.21	OJI-CV 101.21
1.23	OJI-CV 101.23
1.25	OJI-CV 101.25
1.27	OJI-CV 101.27
1.29	OJI-CV 101.29
1.31	OJI-CV 101.31
1.33	OJI-CV 101.33
1.35	OJI-CV 101.35
1.37	OJI-CV 101.37
1.39	OJI-CV 101.39
1.41	OJI-CV 101.41
1.43	OJI-CV 101.43
1.45	OJI-CV 101.45
1.47	OJI-CV 101.47
1.49	OJI-CV 101.49
1.51	OJI-CV 101.51
1.53	OJI-CV 101.53
1.55	OJI-CV 101.55
1.57	OJI-CV 101.57
1.59	OJI-CV 101.59
1.61	OJI-CV 101.61
1.63	OJI-CV 101.63
1.65	OJI-CV 101.65
1.67	OJI-CV 101.67
1.69	OJI-CV 101.69
1.71	OJI-CV 101.71
1.73	OJI-CV 101.73
1.75	OJI-CV 101.75
1.77	OJI-CV 101.77
1.79	OJI-CV 101.79
1.81	OJI-CV 101.81
1.83	OJI-CV 101.83

Previous Instruction Number	New Edition Instruction Number
1.85	OJI-CV 101.85
1.87	OJI-CV 101.87
2.01	OJI-CV 301.01
2.10	OJI-CV 301.03
2.20	OJI-CV 301.05
2.21	OJI-CV 301.07
2.25	OJI-CV 309.13
2.50	OJI-CV 309.15
2.51	OJI-CV 309.17
2.52	OJI-CV 301.09
2.53	OJI-CV 301.11
2.60	OJI-CV 309.05
2.61	OJI-CV 309.19
2.62	OJI-CV 309.21
2.65	OJI-CV 309.23
2.67	OJI-CV 309.25
3.01	OJI-CV 311.01
3.05	OJI-CV 303.01
3.10	OJI-CV 303.03
3.50	OJI-CV 303.05
3.75	OJI-CV 303.07
5.10	OJI-CV 305.01
5.13	OJI-CV 309.01
5.15	OJI-CV 309.03
5.20	OJI-CV 305.03
5.30	OJI-CV 305.05
5.31	OJI-CV 309.07
5.50	OJI-CV 309.09
5.70	OJI-CV 309.11
5.92	OJI-CV 311.09
7.10	OJI-CV 401.01
7.11	OJI-CV 401.03
7.12	OJI-CV 401.05
7.13	OJI-CV 401.07
7.14	OJI-CV 401.09
7.15	OJI-CV 401.11
7.17	OJI-CV 401.13
7.18	OJI-CV 401.15
7.19	OJI-CV 401.17
7.20	OJI-CV 401.19
7.25	OJI-CV 401.21
7.26	OJI-CV 401.23
7.27	OJI-CV 401.25
7.28	OJI-CV 401.27



Previous Instruction Number	New Edition Instruction Number
7.29	OJI-CV 401.29
7.30	OJI-CV 401.31
7.35	OJI-CV 401.33
7.70	OJI-CV 401.35
7.71	OJI-CV 401.37
7.80	OJI-CV 401.39
7.90	OJI-CV 401.41
9.13 (claims arising on and after 4/9/03)	OJI-CV 403.01 (claims arising on and after 4/9/03)
9.13 (claims arising before 1/5/88)	OJI-CV 403.01 (claims arising before 1/5/88)
9.13 (claims arising on and after 1/5/88 but before 4/9/03)	OJI-CV 403.01 (claims arising on and after 1/5/88 but before 4/9/03)
9.15 (claims arising on and after 4/9/03)	OJI-CV 403.03 (claims arising on and after 4/9/03)
9.15 (claims arising before 1/5/88)	OJI-CV 403.03 (claims arising before 1/5/88)
9.15 (claims arising on and after 1/5/88 but before 4/9/03)	OJI-CV 403.03 (claims arising on and after 1/5/88 but before 4/9/03)
9.17 (claims arising on and after 4/9/03)	OJI-CV 403.05 (claims arising on and after 4/9/03)
9.17 (claims arising on and after 1/5/88 but before 4/9/03)	OJI-CV 403.05 (claims arising on and after 1/5/88 but before 4/9/03)
9.19 (claims arising on and after 4/9/03)	OJI-CV 403.07 (claims arising on and after 4/9/03)
9.19 (claims arising on and after 1/5/88 but before 4/9/03)	OJI-CV 403.07 (claims arising on and after 1/5/88 but before 4/9/03)
9.50	OJI-CV 403.09
9.60	OJI-CV 403.11
9.70	OJI-CV 403.13
11.10	OJI-CV 405.01
11.20	OJI-CV 405.03
11.30	OJI-CV 405.05
13.01	OJI-CV 617.01
13.03	OJI-CV 617.03
13.05	OJI-CV 617.05
13.07	OJI-CV 617.07
13.09	OJI-CV 617.09
13.11	OJI-CV 617.11
13.13	OJI-CV 617.13
13.15	OJI-CV 617.15
13.17	OJI-CV 617.17
13.19	OJI-CV 617.19
13.21	OJI-CV 617.21
15.10	OJI-CV 423.01

<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
15.11	OJI-CV 423.03
15.30	OJI-CV 423.05
15.31	OJI-CV 423.07
15.50	OJI-CV 423.09
15.51	OJI-CV 423.11
15.52	OJI-CV 423.13
15.70	OJI-CV 423.15
17.00	OJI-CV 311.03
17.05	OJI-CV 311.05
17.11	OJI-CV 311.07
17.13	OJI-CV 311.11
17.15	OJI-CV 311.13
17.16	OJI-CV 311.15
17.20	OJI-CV 311.17
17.30	OJI-CV 311.19
17.40	OJI-CV 311.21
17.50	OJI-CV 311.23
17.60	OJI-CV 311.25
17.70	OJI-CV 311.27
17.90	OJI-CV 311.29
21.10	OJI-CV 313.01
21.20	OJI-CV 313.03
21.30	OJI-CV 313.05
23.01 (claims arising before 4/9/03)	OJI-CV 315.01 (claims arising before 4/9/03)
23.01 (claims arising on and after 4/7/05)	OJI-CV 315.01 (claims arising on and after 4/7/05)
23.01 (claims arising on and after 4/9/03 but before 4/7/05)	OJI-CV 315.01 (claims arising on and after 4/9/03 but before 4/7/05)
23.02	OJI-CV 315.03
23.04	OJI-CV 315.05
23.05	OJI-CV 315.07
23.07	OJI-CV 315.09
23.08	OJI-CV 315.11
23.09	OJI-CV 315.13
23.10	OJI-CV 315.15
23.20	OJI-CV 315.17
23.40	OJI-CV 315.19
23.41	OJI-CV 315.21
23.42	OJI-CV 315.23
23.43	OJI-CV 315.25
23.50	OJI-CV 315.27
23.55	OJI-CV 315.29
23.56	OJI-CV 315.31



Previous Instruction Number	New Edition Instruction Number
23.57	OJI-CV 315.33
23.60	OJI-CV 315.35
23.71 (claims arising on and after 1/5/88 but before 4/7/05)	OJI-CV 315.37 (claims arising on and after 1/5/88 but before 4/7/05)
23.71 (claims arising on and after 4/7/05)	OJI-CV 315.37 (claims arising on and after 4/7/05)
23.72	OJI-CV 315.39
23.75	OJI-CV 315.41
23.76	OJI-CV 315.43
23.77	OJI-CV 315.45
23.90	OJI-CV 315.47
23.91	OJI-CV 315.49
23.92	OJI-CV 315.51
23.93	OJI-CV 315.53
25.10	OJI-CV 317.01
25.20	OJI-CV 317.03
25.30	OJI-CV 317.05
25.40	OJI-CV 317.07
27.01	OJI-CV 319.01
27.05	OJI-CV 319.03
27.10	OJI-CV 319.05
27.50	OJI-CV 319.07
200.01	OJI-CV 435.01
200.03	OJI-CV 435.03
200.05	OJI-CV 435.05
217.01	OJI-CV 409.01
217.03	OJI-CV 409.03
217.05	OJI-CV 409.05
217.07	OJI-CV 409.07
219.01	OJI-CV 429.01
219.02	OJI-CV 429.03
219.03	OJI-CV 429.05
219.05	OJI-CV 429.07
219.07	OJI-CV 429.09
219.09	OJI-CV 429.11
225.01	OJI-CV 411.01
225.02	OJI-CV 411.03
225.03	OJI-CV 411.05
225.04	OJI-CV 411.07
225.05	OJI-CV 411.09
225.07	OJI-CV 411.11
225.08	OJI-CV 411.13
225.12	OJI-CV 411.15
225.13	OJI-CV 411.17

Previous Instruction Number	New Edition Instruction Number
225.131	OJI-CV 411.19
225.14	OJI-CV 411.21
225.15	OJI-CV 411.23
225.19	OJI-CV 411.25
225.20	OJI-CV 411.27
225.201	OJI-CV 411.29
225.202	OJI-CV 411.31
225.21	OJI-CV 411.33
225.22	OJI-CV 411.35
225.25	OJI-CV 411.37
225.251	OJI-CV 411.39
225.26	OJI-CV 411.41
225.27	OJI-CV 411.43
225.28	OJI-CV 411.45
225.29	OJI-CV 411.47
225.30	OJI-CV 411.49
225.31	OJI-CV 411.51
225.32	OJI-CV 411.53
225.33	OJI-CV 411.55
225.34	OJI-CV 411.57
225.35	OJI-CV 411.59
225.36	OJI-CV 411.61
225.37	OJI-CV 411.63
225.38	OJI-CV 411.65
225.39	OJI-CV 411.67
225.40	OJI-CV 411.69
225.41	OJI-CV 411.71
225.42	OJI-CV 411.73
225.43	OJI-CV 411.75
225.431	OJI-CV 411.77
225.44	OJI-CV 411.79
225.441	OJI-CV 411.81
225.45	OJI-CV 411.83
225.451	OJI-CV 411.85
225.452	OJI-CV 411.87
225.46	OJI-CV 411.89
225.47	OJI-CV 411.91
225.48	OJI-CV 411.93
225.481	OJI-CV 411.95
225.49	OJI-CV 411.97
225.50	OJI-CV 411.99
225.51	OJI-CV 411.101
225.52	OJI-CV 411.103
225.66	OJI-CV 411.105



Previous Instruction Number	New Edition Instruction Number
227.02	OJI-CV 411.107
227.021	OJI-CV 411.109
227.03	OJI-CV 411.111
229.01	OJI-CV 629.01
229.02	OJI-CV 629.03
239.01	OJI-CV 605.01
239.03	OJI-CV 605.03
239.05	OJI-CV 605.05
239.07	OJI-CV 605.07
239.09	OJI-CV 605.09
245.01	OJI-CV 407.01
245.03	OJI-CV 407.03
245.05	OJI-CV 407.05
245.07	OJI-CV 407.07
245.09	OJI-CV 407.09
245.11	OJI-CV 407.11
245.13	OJI-CV 407.13
245.15	OJI-CV 407.15
245.17	OJI-CV 407.17
245.19	OJI-CV 407.19
245.21	OJI-CV 407.21
245.23	OJI-CV 407.23
247.01	OJI-CV 713.01
252.01	OJI-CV 447.01
253.01	OJI-CV 501.01
253.03	OJI-CV 501.03
253.05	OJI-CV 501.05
253.07	OJI-CV 501.07
253.09	OJI-CV 501.09
253.11	OJI-CV 501.11
253.13	OJI-CV 501.13
253.15	OJI-CV 501.15
253.17	OJI-CV 501.17
253.19	OJI-CV 501.19
253.21	OJI-CV 501.21
253.23	OJI-CV 501.23
253.24	OJI-CV 501.25
253.25	OJI-CV 501.27
253.26	OJI-CV 501.29
253.27	OJI-CV 501.31
253.29	OJI-CV 501.33
253.31	OJI-CV 501.35
253.33	OJI-CV 501.37
253.35	OJI-CV 501.39

Previous Instruction Number	New Edition Instruction Number
255.01	OJI-CV 521.01
255.03	OJI-CV 521.03
257.01	OJI-CV 625.01
257.03	OJI-CV 625.03
257.05	OJI-CV 625.05
257.07	OJI-CV 625.07
264.01	OJI-CV 431.01
264.03	OJI-CV 431.03
264.05	OJI-CV 431.05
264.07	OJI-CV 431.07
265.01	OJI-CV 419.01
265.02	OJI-CV 419.03
266.01	OJI-CV 533.01
266.03	OJI-CV 533.03
266.05	OJI-CV 533.05
266.07	OJI-CV 533.07
266.09	OJI-CV 533.09
266.11	OJI-CV 533.11
266.15	OJI-CV 533.13
266.17	OJI-CV 533.15
266.19	OJI-CV 533.17
266.21	OJI-CV 533.19
266.23	OJI-CV 533.21
266.25	OJI-CV 533.23
266.27	OJI-CV 533.25
271.01	OJI-CV 453.01
271.03	OJI-CV 453.03
301.01	OJI-CV 609.01
301.03	OJI-CV 609.03
301.05	OJI-CV 609.05
301.07	OJI-CV 609.07
301.09	OJI-CV 609.09
301.11	OJI-CV 609.11
301.13	OJI-CV 609.13
301.15	OJI-CV 609.15
301.17	OJI-CV 609.17
301.19	OJI-CV 609.19
301.21	OJI-CV 609.21
301.23	OJI-CV 609.23
302.01	OJI-CV 537.01
302.03	OJI-CV 453.05
302.05 (claims arising before 4/09/03)	OJI-CV 537.05 (claims arising before 4/09/03)



Previous Instruction Number	New Edition Instruction Number
302.05 (claims arising on and after 4/7/05)	OJI-CV 537.05 (claims arising on and after 4/7/05)
302.05 (claims arising on and after 4/9/03 but before 4/7/05)	OJI-CV 537.05 (claims arising on and after 4/9/03 but before 4/7/05)
302.07	OJI-CV 537.07
302.09	OJI-CV 537.09
302.11	OJI-CV 537.11
302.13	OJI-CV 537.13
302.15	OJI-CV 537.15
302.17	OJI-CV 537.17
305.01	OJI-CV 437.01
307.01	OJI-CV 449.01
307.03	OJI-CV 449.03
307.05	OJI-CV 449.05
307.07	OJI-CV 449.07
307.09	OJI-CV 449.09
307.11	OJI-CV 449.11
307.13	OJI-CV 449.13
307.15	OJI-CV 449.15
307.17	OJI-CV 449.17
309.01	OJI-CV 441.01
309.03	OJI-CV 441.03
309.05	OJI-CV 441.05
309.07	OJI-CV 441.07
312.01	OJI-CV 425.01
312.03	OJI-CV 425.03
312.05	OJI-CV 425.05
312.07	OJI-CV 425.07
312.09	OJI-CV 425.09
312.11	OJI-CV 425.11
312.13	OJI-CV 425.13
312.15	OJI-CV 425.15
313.01	OJI-CV 637.01
313.03	OJI-CV 637.03
313.05	OJI-CV 637.05
313.07	OJI-CV 637.07
313.09	OJI-CV 637.09
313.11	OJI-CV 637.11
315.01	OJI-CV 509.01
315.02	OJI-CV 509.03
315.03	OJI-CV 509.05
315.04	OJI-CV 509.07
317.01	OJI-CV 701.01
317.03	OJI-CV 701.03

Previous Instruction Number	New Edition Instruction Number
317.05	OJI-CV 701.05
317.07	OJI-CV 701.07
317.09	OJI-CV 701.09
317.11	OJI-CV 701.11
317.13	OJI-CV 701.13
317.15	OJI-CV 701.15
319.01	OJI-CV 415.01
319.03	OJI-CV 415.03
319.05	OJI-CV 415.05
319.07	OJI-CV 415.07
319.09	OJI-CV 415.09
319.11	OJI-CV 415.11
323.01	OJI-CV 709.01
323.03	OJI-CV 709.03
323.05	OJI-CV 709.05
323.07	OJI-CV 709.07
323.09	OJI-CV 709.09
323.11	OJI-CV 709.11
323.13	OJI-CV 709.13
323.15	OJI-CV 709.15
323.17	OJI-CV 709.17
323.19	OJI-CV 709.19
323.21	OJI-CV 709.21
323.23	OJI-CV 709.23
323.25	OJI-CV 709.25
323.27	OJI-CV 709.27
323.29	OJI-CV 709.29
323.31	OJI-CV 709.31
323.33	OJI-CV 709.33
323.35	OJI-CV 709.35
323.37	OJI-CV 709.37
323.39	OJI-CV 709.39
323.41	OJI-CV 709.41
323.43	OJI-CV 709.43
323.45	OJI-CV 709.45
323.47	OJI-CV 709.47
323.49	OJI-CV 709.49
323.51	OJI-CV 709.51
323.53	OJI-CV 709.53
323.55	OJI-CV 709.55
323.57	OJI-CV 709.57
323.59	OJI-CV 709.59
323.61	OJI-CV 709.61
323.63	OJI-CV 709.63



Previous Instruction Number	New Edition Instruction Number
323.65	OJI-CV 709.65
325.01	OJI-CV 413.01
325.03	OJI-CV 413.03
325.05	OJI-CV 413.05
325.07	OJI-CV 413.07
325.09	OJI-CV 413.09
325.11	OJI-CV 413.11
327.01	OJI-CV 613.01
327.03	OJI-CV 613.03
327.05	OJI-CV 613.05
327.07	OJI-CV 613.07
327.11	OJI-CV 613.09
327.13	OJI-CV 613.11
327.15	OJI-CV 613.13
327.17	OJI-CV 613.15
327.19	OJI-CV 613.17
327.21	OJI-CV 613.19
327.23	OJI-CV 613.21
327.25	OJI-CV 613.23
327.27	OJI-CV 613.25
327.29	OJI-CV 613.27
327.31	OJI-CV 613.29
327.33	OJI-CV 613.31
327.35	OJI-CV 613.33
329.01	OJI-CV 529.01
330.01	OJI-CV 439.01
330.03	OJI-CV 439.03
330.05	OJI-CV 439.05
330.07	OJI-CV 439.07
330.09	OJI-CV 439.09
331.01	OJI-CV 417.01
331.03	OJI-CV 417.03
331.05	OJI-CV 417.05
331.07	OJI-CV 417.07
331.09	OJI-CV 417.09
331.11	OJI-CV 417.11
331.13	OJI-CV 417.13
331.15	OJI-CV 417.15
331.17	OJI-CV 417.17
331.19	OJI-CV 417.19
333.01	OJI-CV 421.01
333.03	OJI-CV 421.03
333.05	OJI-CV 421.05
333.07	REMOVED

Previous Instruction Number	New Edition Instruction Number
345.01	OJI-CV 621.01
345.03	OJI-CV 621.03
345.05	OJI-CV 621.05
345.07	OJI-CV 621.07
345.09	OJI-CV 621.09
345.11	OJI-CV 621.11
345.13	OJI-CV 621.13
348.01	OJI-CV 705.01
348.03(A)	OJI-CV 705.03
348.03(B)	OJI-CV 705.05
348.07	OJI-CV 705.07
348.09	OJI-CV 705.09
348.11	OJI-CV 705.11
348.13	OJI-CV 705.13
348.15	OJI-CV 705.15
349.01	OJI-CV 433.01
349.03	OJI-CV 433.03
349.05	OJI-CV 433.05
349.07	OJI-CV 433.07
349.09	OJI-CV 433.09
349.11	OJI-CV 433.11
349.13	OJI-CV 433.13
351.01	OJI-CV 451.01
351.03	OJI-CV 451.03
351.05	OJI-CV 451.05
351.07	OJI-CV 451.07
351.09	OJI-CV 451.09
351.11	OJI-CV 451.11
351.13	OJI-CV 451.13
351.15	OJI-CV 451.15
351.17	OJI-CV 451.17
351.19	OJI-CV 451.19
351.21	OJI-CV 451.21
351.23	OJI-CV 451.23
354.01	OJI-CV 601.01
354.03	OJI-CV 601.03
354.05	OJI-CV 601.05
354.07	OJI-CV 601.07
354.09	OJI-CV 601.09
355.01	OJI-CV 443.01
356.01	OJI-CV 445.01
356.03	OJI-CV 445.03
356.05	OJI-CV 445.05
356.07	OJI-CV 445.07



Previous Instruction Number	New Edition Instruction Number
356.09	OJI-CV 445.09
356.11	OJI-CV 445.11
356.13	OJI-CV 445.13
356.15	OJI-CV 445.15
356.17	OJI-CV 445.17
356.19	OJI-CV 445.19
356.21	OJI-CV 445.21
356.23	OJI-CV 445.23
356.25	OJI-CV 445.25
359.01	OJI-CV 513.01
359.03	OJI-CV 513.03
359.05	OJI-CV 513.05
359.07	OJI-CV 513.07
359.09	OJI-CV 513.09
362.01	OJI-CV 505.01
362.03	OJI-CV 505.03
362.05	OJI-CV 505.05
362.07	OJI-CV 505.07
362.09	OJI-CV 505.09
362.11	OJI-CV 505.11
362.13	OJI-CV 505.13
362.15	OJI-CV 505.15
362.17	OJI-CV 505.17
362.19	OJI-CV 505.19
362.21	OJI-CV 505.21
362.23	OJI-CV 505.23
362.25	OJI-CV 505.25
362.27	OJI-CV 505.27
362.29	OJI-CV 505.29
362.31	OJI-CV 505.31
362.33	OJI-CV 505.33
362.35	OJI-CV 505.35
362.37	OJI-CV 505.37
362.39	OJI-CV 505.39
362.41	OJI-CV 505.41
362.43	OJI-CV 505.43
362.45	OJI-CV 505.45
362.47	OJI-CV 505.47
362.49	OJI-CV 505.49
362.51	OJI-CV 505.51
362.53	OJI-CV 505.53
363.01	OJI-CV 633.01
363.03	OJI-CV 633.03
363.05	OJI-CV 633.05

Previous Instruction Number	New Edition Instruction Number
363.07	OJI-CV 633.07
363.09	OJI-CV 633.09
363.13	OJI-CV 633.11
365.01	OJI-CV 427.01
365.03	OJI-CV 427.03
365.05	OJI-CV 427.05
365.07	OJI-CV 427.07
365.09	OJI-CV 427.09
365.11	OJI-CV 427.11
365.13	OJI-CV 427.13
365.15	OJI-CV 427.15
365.17	OJI-CV 427.17
365.19	OJI-CV 427.19
369.01	OJI-CV 517.01
369.03	OJI-CV 517.03
369.05	OJI-CV 517.05
369.07	OJI-CV 517.07
369.09	OJI-CV 517.09
369.11	OJI-CV 517.11
369.13	OJI-CV 517.13
369.15	OJI-CV 517.15
369.17	OJI-CV 517.17



## CRIMINAL INSTRUCTIONS CORRELATION TABLE

Previous Instruction Number	New Edition Instruction Number
1.01	OJI-CR 101.01
1.03	OJI-CR 101.03
1.05	OJI-CR 101.05
1.07	OJI-CR 101.07
1.09	OJI-CR 101.09
1.11	OJI-CR 101.11
1.13	OJI-CR 101.13
1.15	OJI-CR 101.15
1.17	OJI-CR 101.17
1.19	OJI-CR 101.19
1.21	OJI-CR 101.21
1.23	OJI-CR 101.23
1.25	OJI-CR 101.25
1.27	OJI-CR 101.27
1.29	OJI-CR 101.29
1.31	OJI-CR 101.31
1.33	OJI-CR 101.33
1.35	OJI-CR 101.35
1.37	OJI-CR 101.37
1.39	OJI-CR 101.39
1.41	OJI-CR 101.41
1.43	OJI-CR 101.43
1.45	OJI-CR 101.45
1.47	OJI-CR 101.47
1.49	OJI-CR 101.49
1.51	OJI-CR 101.51
1.53	OJI-CR 101.53
1.55	OJI-CR 101.55
1.57	OJI-CR 101.57
1.59	OJI-CR 101.59
1.61	OJI-CR 101.61
1.63	OJI-CR 101.63
1.65	OJI-CR 101.65
1.67	OJI-CR 101.67
1.69	OJI-CR 101.69
1.71	OJI-CR 101.71
1.73	OJI-CR 101.73
1.75	OJI-CR 101.75
1.77	OJI-CR 101.77
1.79	OJI-CR 101.79
1.81	OJI-CR 101.81
1.83	OJI-CR 101.83

Previous Instruction Number	New Edition Instruction Number
1.85	OJI-CR 101.85
1.87	OJI-CR 101.87
401.01	OJI-CR 301.01
401.02	OJI-CR 301.03
401.03	OJI-CR 301.05
401.04	OJI-CR 301.07
402.10	OJI-CR 401.01
402.11	OJI-CR 401.03
402.12	OJI-CR 401.05
402.20	OJI-CR 401.07
402.21	OJI-CR 401.09
402.25	OJI-CR 401.11
402.30	OJI-CR 401.13
402.50	OJI-CR 401.15
402.51	OJI-CR 401.17
402.52	OJI-CR 401.19
402.53	OJI-CR 401.21
402.60	OJI-CR 401.23
402.61	OJI-CR 401.25
402.99	OJI-CR 401.27
403.01	OJI-CR 405.01
403.03	OJI-CR 405.03
403.10	OJI-CR 405.05
403.50	OJI-CR 405.07
403.55	OJI-CR 405.09
405.01	OJI-CR 409.01
405.10	OJI-CR 409.03
405.20	OJI-CR 409.05
405.21	OJI-CR 409.07
405.22	OJI-CR 409.11
405.25	OJI-CR 409.13
405.40	OJI-CR 409.15
405.41	OJI-CR 409.17
405.50	OJI-CR 409.19
405.51	OJI-CR 409.21
405.52	OJI-CR 409.23
405.60	OJI-CR 409.25
405.63	OJI-CR 409.27
405.64	OJI-CR 409.29
405.65	OJI-CR 409.31
405.91	OJI-CR 409.33
407.01	OJI-CR 413.01
407.03	OJI-CR 413.03
407.05	OJI-CR 413.05



Previous Instruction Number	New Edition Instruction Number
407.10	OJI-CR 413.07
409.01	OJI-CR 417.01
409.02	OJI-CR 417.03
409.03	OJI-CR 417.05
409.05	OJI-CR 417.07
409.07	OJI-CR 417.09
409.11	OJI-CR 417.11
409.13	OJI-CR 417.13
409.15	OJI-CR 417.15
409.21	OJI-CR 417.17
409.31	OJI-CR 417.19
409.50	OJI-CR 417.21
409.55	OJI-CR 417.23
409.56	OJI-CR 417.25
409.57	OJI-CR 417.27
409.60	OJI-CR 417.29
409.65	OJI-CR 417.31
409.67	OJI-CR 417.33
411.01	OJI-CR 421.01
411.03	OJI-CR 421.03
411.05	OJI-CR 421.05
411.07	OJI-CR 421.07
411.10 (offenses committed before 10/27/00)	OJI-CR 421.09 (offenses committed before 10/27/00)
411.10 (offenses committed on and after 10/27/00)	OJI-CR 421.09 (offenses committed on and after 10/27/00)
411.11 (offenses committed before 10/27/00)	OJI-CR 421.11 (offenses committed before 10/27/00)
411.11 (offenses committed on and after 10/27/00)	OJI-CR 421.11 (offenses committed on and after 10/27/00)
411.19	OJI-CR 421.13
411.20	OJI-CR 421.15
411.25	OJI-CR 421.17
411.31	OJI-CR 421.19
411.33	OJI-CR 421.21
411.35	OJI-CR 421.23
411.51	OJI-CR 421.25
411.53	OJI-CR 421.27
411.55	OJI-CR 421.29
413.01	OJI-CR 425.01
413.05	OJI-CR 425.03
413.10	OJI-CR 425.05
413.11	OJI-CR 425.07
413.21	OJI-CR 425.09



Previous Instruction Number	New Edition Instruction Number
413.23	OJI-CR 425.11
413.30	OJI-CR 425.13
413.35	OJI-CR 425.15
413.37	OJI-CR 425.17
413.38	OJI-CR 425.19
413.39	OJI-CR 425.21
413.40	OJI-CR 425.23
413.43	OJI-CR 425.25
413.45	OJI-CR 425.27
413.47	OJI-CR 425.29
413.49	OJI-CR 425.31
413.50	OJI-CR 425.33
413.60	OJI-CR 425.35
413.70	OJI-CR 425.37
413.80	OJI-CR 425.39
413.81	OJI-CR 425.41
413.90	OJI-CR 425.43
415.01	OJI-CR 429.01
415.03	OJI-CR 429.03
415.05	OJI-CR 429.05
415.10	OJI-CR 429.07
415.50	OJI-CR 429.09
415.75	OJI-CR 429.11
415.90	OJI-CR 429.13
503.01	OJI-CR 503.01
503.011	OJI-CR 503.011
503.02 (offenses committed on and after 9/6/96 but before 6/30/98)	OJI-CR 503.02 (offenses committed on and after 9/6/96 but before 6/30/98)
503.02 (offenses committed on and after 6/30/98)	OJI-CR 503.02 (offenses committed on and after 6/30/98)
503.03 (offenses committed on and after 9/6/96)	OJI-CR 503.03 (offenses committed on and after 9/6/96)
503.04 (offenses committed on and after 9/6/96 but before 3/23/00)	OJI-CR 503.04 (offenses committed on and after 9/6/96 but before 3/23/00)
503.04 (offenses committed on and after 3/23/00)	OJI-CR 503.04 (offenses committed on and after 3/23/00)
503.041	OJI-CR 503.041
503.05	OJI-CR 503.05
503.06 (offenses committed before 3/23/00)	OJI-CR 503.06 (offenses committed before 3/23/00)
503.06 (offenses committed on and after 3/23/00)	OJI-CR 503.06 (offenses committed on and after 3/23/00)
503.07 (offenses committed on and after 9/6/96) [section repealed 3/23/00]	OJI-CR 503.07 (offenses committed on and after 9/6/96)



Previous Instruction Number	New Edition Instruction Number
503.08 (offenses committed on and after 9/6/96 but before 3/23/00)	OJI-CR 503.08 (offenses committed on and after 9/6/96 but before 3/23/00)
503.08 (offenses committed on and after 3/23/00)	OJI-CR 503.08 (offenses committed on and after 3/23/00))
503.11(A) (offenses committed on and after 9/6/96) [Rev. 2-24-07]	OJI-CR 503.11(A) (offenses committed on and after 9/6/96)
503.11(B) (offenses committed on and after 3/23/00) [Rev. 1-20-07]	OJI-CR 503.11(B) (offenses committed on and after 3/23/00)
503.12	OJI-CR 503.12
503.13	OJI-CR 503.13
503.14 (offenses committed on and after 9/6/96)	OJI-CR 503.14 (offenses committed on and after 9/6/96)
503.15 (offenses committed on and after 8/25/99)	OJI-CR 503.15 (offenses committed on and after 8/25/99)
503.16	OJI-CR 503.16
503.21 (offenses committed on and after 9/6/96)	OJI-CR 503.21 (offenses committed on and after 9/6/96)
503.22 (offenses committed on and after 9/6/96)	OJI-CR 503.22 (offenses committed on and after 9/6/96)
503.31	OJI-CR 503.31
503.34	OJI-CR 503.34
503.35	OJI-CR 503.35
503.211 (offenses committed before 3/10/00)	OJI-CR 503.211 (offenses committed before 3/10/00)
503.211 (offenses committed on and after 3/10/00)	OJI-CR 503.211 (offenses committed on and after 3/ 10/00 but before 1/1/08) OJI-CR 503.211 (offenses committed on and after 1/1/ 08)
503.214	OJI-CR 503.214
505.01(A) (offenses committed before 7/1/96)	OJI-CR 505.01(A) (offenses committed before 7/1/96)
505.01(A) (offenses committed on and after 7/1/96) [Rev. 1-20-07]	OJI-CR 505.01(A) (offenses committed on and after 7/1/96)
505.01(B) (offenses committed before 7/1/96)	OJI-CR 505.01(B) (offenses committed before 7/1/96)
505.01(B) (offenses committed on and after 7/1/96)	OJI-CR 505.01(B) (offenses committed on and after 7/1/96)
505.02 (offenses committed before 7/1/96)	OJI-CR 505.02 (offenses committed before 7/1/96)
505.02 (offenses committed on and after 7/1/96)	OJI-CR 505.02 (offenses committed on and after 7/1/96)
505.03	OJI-CR 505.03
505.04 (offenses committed before 7/1/96)	OJI-CR 505.04 (offenses committed before 7/1/96)
505.05 (offenses committed before 7/1/96)	OJI-CR 505.05
505.05	OJI-CR 505.05



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
505.11 (offenses committed before 7/1/96)	OJI-CR 505.11 (offenses committed before 7/1/96)
505.11 (offenses committed on and after 7/1/96)	OJI-CR 505.11 (offenses committed on and after 7/1/96)
505.12	OJI-CR 505.12
505.22 (offenses committed before 7/1/96)	OJI-CR 505.22 (offenses committed before 7/1/96)
505.22 (offenses committed on and after 7/1/96)	OJI-CR 505.22 (offenses committed on and after 7/1/96)
507.02(A)(1) (offenses committed before 7/1/96)	OJI-CR 507.02(A)(1) (offenses committed before 7/1/96)
507.02(A)(1) (offenses committed on and after 7/1/96 but before 3/10/98)	OJI-CR 507.02(A)(1) (offenses committed on and after 7/1/96 but before 3/10/98)
507.02(A)(1) (offenses committed on and after 3/10/98)	OJI-CR 507.02(A)(1) (offenses committed on and after 3/10/98)
507.02(A)(2) (offenses committed before 7/1/96)	OJI-CR 507.02(A)(2) (offenses committed before 7/1/96)
507.02(A)(2) (offenses committed on and after 7/1/96)	OJI-CR 507.02(A)(2) (offenses committed on and after 7/1/96)
507.03 (offenses committed before 7/1/96)	OJI-CR 507.03 (offenses committed before 7/1/96)
507.03 (offenses committed on and after 7/1/96)	OJI-CR 507.03 (offenses committed on and after 7/1/96)
507.04 (offenses committed before 7/1/96)	OJI-CR 507.04 (offenses committed before 7/1/96)
507.04 (offenses committed on and after 7/1/96)	OJI-CR 507.04 (offenses committed on and after 7/1/96)
507.05 (offenses committed before 7/1/96)	OJI-CR 507.05 (offenses committed before 7/1/96)
507.05 (offenses committed on and after 7/1/96 but before 3/10/98)	OJI-CR 507.05 (offenses committed on and after 7/1/96 but before 3/10/98)
507.05 (offenses committed on and after 3/10/98)	OJI-CR 507.05 (offenses committed on and after 3/10/98)
507.06 (offenses committed before 7/1/96)	OJI-CR 507.06 (offenses committed before 7/1/96)
507.06 (offenses committed on and after 7/1/96)	OJI-CR 507.06 (offenses committed on and after 7/1/96)
507.07 (offenses committed before 3/22/01)	OJI-CR 507.07 (offenses committed before 3/22/01)
507.07 (offenses committed on and after 3/22/01 but before 5/7/02)	OJI-CR 507.07 (offenses committed on and after 3/22/01 but before 5/7/02)
507.07 (offenses committed on and after 5/7/02 but before 7/31/03)	OJI-CR 507.07 (offenses committed on and after 5/7/02 but before 7/31/03)
507.07 (offenses committed on and after 7/31/03)	OJI-CR 507.07 (offenses committed on and after 7/31/03)



Previous Instruction Number	New Edition Instruction Number
507.08 (offenses committed before 1/30/98)	OJI-CR 507.08 (offenses committed before 1/30/98)
507.08 (offenses committed on and after 1/30/98)	OJI-CR 507.08 (offenses committed on and after 1/30/98)
507.09 (offenses committed before 9/26/05)	OJI-CR 507.09 (offenses committed before 9/26/05)
507.09 (offenses committed on and after 9/26/05)	OJI-CR 507.09 (offenses committed on and after 9/26/05)
507.12(A)(1) (offenses committed before 9/3/96)	OJI-CR 507.12(A)(1) (offenses committed before 9/3/96)
507.12(A)(2) (offenses committed before 9/3/96)	OJI-CR 507.12(A)(2) (offenses committed before 9/3/96)
507.21 (offenses committed before 7/1/96)	OJI-CR 507.21 (offenses committed before 7/1/96)
507.21 (offenses committed on and after 7/1/96)	OJI-CR 507.21 (offenses committed on and after 7/1/96)
507.22 (offenses committed before 7/1/96)	OJI-CR 507.22 (offenses committed before 7/1/96)
507.22 (offenses committed on and after 7/1/96)	OJI-CR 507.22 (offenses committed on and after 7/1/96)
507.23	OJI-CR 507.23
507.24	OJI-CR 507.24
507.25 (offenses committed before 7/1/96)	OJI-CR 507.25 (offenses committed before 7/1/96)
507.31 (offenses committed before 7/1/96)	OJI-CR 507.31 (offenses committed before 7/1/96)
507.31 (offenses committed on and after 7/1/96 but before 1/1/04)	OJI-CR 507.31 (offenses committed on and after 7/1/96 but before 1/1/04)
507.31 (offenses committed on and after 1/1/04)	OJI-CR 507.31 (offenses committed on and after 1/1/04)
507.32	OJI-CR 507.32
507.33	OJI-CR 507.33
507.34(A) (offenses committed before 7/1/96)	OJI-CR 507.34(A) (offenses committed before 7/1/96)
507.34(A) (offenses committed on and after 7/1/96)	OJI-CR 507.34(A) (offenses committed on and after 7/1/96)
507.34(B) (offenses committed before 7/1/96)	OJI-CR 507.34(B) (offenses committed before 7/1/96)
507.34(B) (offenses committed on and after 7/1/96)	OJI-CR 507.34(B) (offenses committed on and after 7/1/96)
507.42 (offenses committed before 7/1/96)	OJI-CR 507.42 (offenses committed before 7/1/96)
507.42 (offenses committed on and after 7/1/96)	OJI-CR 507.42 (offenses committed on and after 7/1/96)
507.53(A)	OJI-CR 507.53(A)
507.53(B)	OJI-CR 507.53(B)
507.53(C)	OJI-CR 507.53(C)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
507.71 (offenses committed on and after 1/1/97)	OJI-CR 507.71 (offenses committed on and after 1/1/97)
507.72 (offenses committed on and after 1/1/97)	OJI-CR 507.72 (offenses committed on and after 1/1/97)
507.241 (offenses committed before 7/1/96)	OJI-CR 507.241 (offenses committed before 7/1/96)
507.241 (offenses committed on and after 7/1/96)	OJI-CR 507.241 (offenses committed on and after 7/1/96)
507.311	OJI-CR 507.311
507.321 (offenses committed before 7/1/96)	OJI-CR 507.321 (offenses committed before 7/1/96)
507.321 (offenses committed on and after 7/1/96)	OJI-CR 507.321 (offenses committed on and after 7/1/96)
507.322 (offenses committed before 7/1/96)	OJI-CR 507.322 (offenses committed before 7/1/96)
507.322 (offenses committed on and after 7/1/96)	OJI-CR 507.322 (offenses committed on and after 7/1/96)
507.323 (offenses committed before 7/1/96)	OJI-CR 507.323 (offenses committed before 7/1/96)
507.323 (offenses committed on and after 7/1/96)	OJI-CR 507.323 (offenses committed on and after 7/1/96)
509.02 (offenses committed before 7/1/96)	OJI-CR 509.02 (offenses committed before 7/1/96)
509.02 (offenses committed on and after 7/1/96)	OJI-CR 509.02 (offenses committed on and after 7/1/96)
509.03 (offenses committed before 7/1/96)	OJI-CR 509.03 (offenses committed before 7/1/96)
509.03 (offenses committed on and after 7/1/96)	OJI-CR 509.03 (offenses committed on and after 7/1/96)
509.04 (offenses committed before 7/1/96)	OJI-CR 509.04 (offenses committed before 7/1/96)
509.04 (offenses committed on and after 7/1/96)	OJI-CR 509.04 (offenses committed on and after 7/1/96)
509.05(A) (offenses committed before 7/1/96)	OJI-CR 509.05(A) (offenses committed before 7/1/96)
509.05(A) (offenses committed on and after 7/1/96 but before 9/30/98)	OJI-CR 509.05(A) (offenses committed on and after 7/1/96 but before 9/30/98)
509.05(A) (offenses committed on and after 9/30/98)	OJI-CR 509.05(A) (offenses committed on and after 9/30/98)
509.05(B) (offenses committed before 7/1/96)	OJI-CR 509.05(B) (offenses committed before 7/1/96)
509.05(B) (offenses committed on and after 7/1/96 but before 9/30/98)	OJI-CR 509.05(B) (offenses committed on and after 7/1/96 but before 9/30/98)
509.05(B) (offenses committed on and after 9/30/98)	OJI-CR 509.05(B) (offenses committed on and after 9/30/98)
509.05(C) (offenses committed before 7/1/96)	OJI-CR 509.05(C) (offenses committed before 7/1/96)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
509.05(C) (offenses committed on and after 7/1/96 but before 9/30/98)	OJI-CR 509.05(C) (offenses committed on and after 7/1/96 but before 9/30/98)
509.05(C) (offenses committed on and after 9/30/98)	OJI-CR 509.05(C) (offenses committed on and after 9/30/98)
509.05(D) (offenses committed before 7/1/96)	OJI-CR 509.05(D) (offenses committed before 7/1/96)
509.05(D) (offenses committed on and after 7/1/96)	OJI-CR 509.05(D) (offenses committed on and after 7/1/96)
509.06 (offenses committed before 7/1/96)	OJI-CR 509.06 (offenses committed before 7/1/96)
509.06 (offenses committed on and after 7/1/96)	OJI-CR 509.06 (offenses committed on and after 7/1/96)
509.07 (offenses committed before 7/1/96)	OJI-CR 509.07 (offenses committed before 7/1/96)
509.07 (offenses committed on and after 7/1/96)	OJI-CR 509.07 (offenses committed on and after 7/1/96)
509.08 (offenses committed before 7/1/96)	OJI-CR 509.08 (offenses committed before 7/1/96)
509.08 (offenses committed on or after 7/1/96)	OJI-CR 509.08 (offenses committed on or after 7/1/96)
509.22	OJI-CR 509.22
509.23	OJI-CR 509.23
509.24	OJI-CR 509.24
511.01(A)	OJI-CR 511.01(A)
511.01(B)	OJI-CR 511.01(B)
511.02	OJI-CR 511.02
511.11	OJI-CR 511.11
511.12	OJI-CR 511.12
511.13(A)	OJI-CR 511.13(A)
511.13(B)	OJI-CR 511.13(B)
511.21	OJI-CR 511.21
511.31	OJI-CR 511.31
511.32	OJI-CR 511.32
511.211	OJI-CR 511.211
513.02 (offenses committed before 7/1/96)	OJI-CR 513.02 (offenses committed before 7/1/96)
513.02 (offenses committed on and after 7/1/96)	OJI-CR 513.02 (offenses committed on and after 7/1/96)
513.03 (offenses committed before 7/1/96)	OJI-CR 513.03 (offenses committed before 7/1/96)
513.03 (offenses committed on and after 7/1/96)	OJI-CR 513.03 (offenses committed on and after 7/1/96)
513.04 (offenses committed before 7/1/96)	OJI-CR 513.04 (offenses committed before 7/1/96)
513.04 (offenses committed on and after 7/1/96)	OJI-CR 513.04 (offenses committed on and after 7/1/96)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
513.041 (offenses committed on and after 7/1/96)	OJI-CR 513.041 (offenses committed on and after 7/1/96)
513.11 (offenses committed before 7/1/96)	OJI-CR 513.11 (offenses committed before 7/1/96)
513.11 (offenses committed on and after 7/1/96)	OJI-CR 513.11 (offenses committed on and after 7/1/96)
513.21 (offenses committed before 7/1/96)	OJI-CR 513.21 (offenses committed before 7/1/96)
513.21 (offenses committed on and after 7/1/96)	OJI-CR 513.21 (offenses committed on and after 7/1/96)
513.31(A) (offenses committed before 7/1/96)	OJI-CR 513.31(A) (offenses committed before 7/1/96)
513.31(A) (offenses committed on and after 7/1/96)	OJI-CR 513.31(A)(offenses committed on and after 7/1/96)
513.31(B)	OJI-CR 513.31(B)
513.32 (offenses committed before 7/1/96)	OJI-CR 513.32 (offenses committed before 7/1/96)
513.32 (offenses committed on and after 7/1/96)	OJI-CR 513.32 (offenses committed on and after 7/1/96)
513.33 (offenses committed on and after 3/31/97)	OJI-CR 513.33 (offenses committed on and after 3/31/97)
513.34 (offenses committed on and after 3/31/97)	OJI-CR 513.34 (offenses committed on and after 3/31/97)
513.40	OJI-CR 513.40
513.41 (offenses committed before 7/1/96)	OJI-CR 513.41 (offenses committed before 7/1/96)
513.42 (offenses committed before 7/1/96)	OJI-CR 513.42 (offenses committed before 7/1/96)
513.42 (offenses committed on and after 7/1/96)	OJI-CR 513.42 (offenses committed on and after 7/1/96)
513.43 (offenses committed before 7/1/96)	OJI-CR 513.43 (offenses committed before 7/1/96)
513.43 (offenses committed on and after 7/1/96)	OJI-CR 513.43 (offenses committed on and after 7/1/96)
513.44	OJI-CR 513.44
513.45 (offenses committed before 7/1/96)	OJI-CR 513.45 (offenses committed before 7/1/96)
513.45 (offenses committed on and after 7/1/96)	OJI-CR 513.45 (offenses committed on and after 7/1/96)
513.46(A) (offenses committed before 10/29/95)	OJI-CR 513.46(A)(offenses committed before 10/29/95)
513.46(B) (offenses committed before 10/29/95)	OJI-CR 513.46(B) (offenses committed before 10/29/95)
513.46(B) (offenses committed on and after 9/26/96)	OJI-CR 513.46(B) (offenses committed on and after 9/26/96)
513.46(C) (offenses committed on and after 9/26/96)	OJI-CR 513.46(C) (offenses committed on and after 9/26/96)



Previous Instruction Number	New Edition Instruction Number
513.47 (offenses committed before 7/1/96)	OJI-CR 513.47 (offenses committed before 7/1/96)
513.47 (offenses committed on and after 7/1/96)	OJI-CR 513.47 (offenses committed on and after 7/1/96)
513.48 (offenses committed before 7/1/96)	OJI-CR 513.48 (offenses committed before 7/1/96)
513.48 (offenses committed on and after 7/1/96)	OJI-CR 513.48 (offenses committed on and after 7/1/96)
513.51 (offenses committed before 7/1/96)	OJI-CR 513.51 (offenses committed before 7/1/96)
513.51 (offenses committed on or after 7/1/96)	OJI-CR 513.51 (offenses committed on or after 7/1/96)
513.81 (offenses committed before 7/1/96)	OJI-CR 513.81 (offenses committed before 7/1/96)
513.401	OJI-CR 513.401
515.02	OJI-CR 515.02
515.03	OJI-CR 515.03
515.04	OJI-CR 515.04
515.05	OJI-CR 515.05
515.05(A) (offenses committed before 7/1/96)	OJI-CR 515.05(A) (offenses committed before 7/1/96)
515.05(B) (offenses committed on and after 7/1/96)	OJI-CR 515.05(B) (offenses committed on and after 7/1/96)
515.06 (offenses committed before 7/1/96)	OJI-CR 515.06 (offenses committed before 7/1/96)
515.07	OJI-CR 515.07
515.09	OJI-CR 515.09
515.10(A)	OJI-CR 515.10(A)
515.10(C)	OJI-CR 515.10(C)
515.11	OJI-CR 515.11
515.12 (offenses committed before 7/1/96)	OJI-CR 515.12 (offenses committed before 7/1/96)
517.01	OJI-CR 517.01
517.02(A)	OJI-CR 517.02(A)
517.02(B)	OJI-CR 517.02(B)
517.03	OJI-CR 517.03
517.11(A)	OJI-CR 517.11(A)
517.11(B)	OJI-CR 517.11(B)
517.12	OJI-CR 517.12
517.13	OJI-CR 517.13
517.21(A)	OJI-CR 517.21(A)
517.21(B)	OJI-CR 517.21(B)
517.31	OJI-CR 517.31
517.32	OJI-CR 517.32
517.40	OJI-CR 517.40



Previous Instruction Number	New Edition Instruction Number
517.41	OJI-CR 517.41
517.47	OJI-CR 517.47
519.01	OJI-CR 519.01
519.12(A)	OJI-CR 519.12(A)
519.12(B)	OJI-CR 519.12(B)
519.13(A)	OJI-CR 519.13(A)
519.13(B)	OJI-CR 519.13(B)
519.14	OJI-CR 519.14
519.21(A)	OJI-CR 519.21(A)
519.21(B)	OJI-CR 519.21(B)
519.22	OJI-CR 519.22
519.23(A)	OJI-CR 519.23(A)
519.23(B)	OJI-CR 519.23(B)
519.24	OJI-CR 519.24
519.24(A)(3) (offenses committed on and after 1/1/02)	OJI-CR 519.24(A)(3) (offenses committed on and after 1/1/02)
519.25	OJI-CR 519.25
519.27	OJI-CR 519.27
519.231	OJI-CR 519.231
521.02	OJI-CR 521.02
521.03 (offenses committed before 9/3/96)	OJI-CR 521.03 (offenses committed before 9/3/96)
521.03 (offenses committed on and after 9/3/96 and before 11/6/96)	OJI-CR 521.03 (offenses committed on and after 9/3/96 and before 11/6/96)
521.03 (offenses committed on and after 11/6/96)	OJI-CR 521.03 (offenses committed on and after 11/6/96)
521.04 (offenses committed before 9/3/96)	OJI-CR 521.04 (offenses committed before 9/3/96)
521.04 (offenses committed on and after 9/3/96)	OJI-CR 521.04 (offenses committed on and after 9/3/96)
521.05	OJI-CR 521.05
521.11	OJI-CR 521.11
521.12	OJI-CR 521.12
521.13 (offenses committed before 7/1/96)	OJI-CR 521.13 (offenses committed before 7/1/96)
521.13 (offenses committed on and after 7/1/96 and before 10/1/97)	OJI-CR 521.13 (offenses committed on and after 7/1/96 and before 10/1/97)
521.13 (offenses committed on and after 10/1/97)	OJI-CR 521.13 (offenses committed on and after 10/1/97)
521.14	OJI-CR 521.14
521.21	OJI-CR 521.21
521.22(A)	OJI-CR 521.22(A)
521.22(B)	OJI-CR 521.22(B)
521.22(C)	OJI-CR 521.22(C)



Previous Instruction Number	New Edition Instruction Number
521.22(D) (offenses committed before 3/18/97)	OJI-CR 521.22(D) (offenses committed before 3/18/97)
521.22(D) (offenses committed on and after 3/18/97)	OJI-CR 521.22(D) (offenses committed on and after 3/18/97)
521.22(E)	OJI-CR 521.22(E)
521.24	OJI-CR 521.24
521.31	OJI-CR 521.31
521.32 (offenses committed before 7/1/96)	OJI-CR 521.32 (offenses committed before 7/1/96)
521.32 (offenses committed on and after 7/1/96 and before 12/31/97)	OJI-CR 521.32 (offenses committed on and after 7/1/96 and before 12/31/97)
521.32 (offenses committed on and after 12/31/97)	OJI-CR 521.32 (offenses committed on and after 12/31/97)
521.321	OJI-CR 521.321
521.33 (offenses committed before 7/1/96)	OJI-CR 521.33 (offenses committed before 7/1/96)
521.33 (offenses committed on and after 7/1/96 but before 9/16/97)	OJI-CR 521.33 (offenses committed on and after 7/1/96 but before 9/16/97)
521.33 (offenses committed on and after 9/16/97)	OJI-CR 521.33 (offenses committed on and after 9/16/97)
521.34(A)(1)	OJI-CR 521.34(A)(1)
521.34(A)(2) (offense committed by sexually violent predator on and after 1/1/97)	OJI-CR 521.34(A)(2) (offense committed by sexually violent predator on and after 1/1/97)
521.35(A)	OJI-CR 521.35(A)
521.35(B)	OJI-CR 521.35(B)
521.36	OJI-CR 521.36
521.38	OJI-CR 521.38 (offenses committed on and after 6/11/97 but before 4/4/07) OJI-CR 521.38 (offenses committed on and after 4/4/07)
521.41	OJI-CR 521.41
521.42	OJI-CR 521.42
521.43(A)	OJI-CR 521.43(A)
521.43(B)	OJI-CR 521.43(B)
521.43(C)	OJI-CR 521.43(C)
521.44(A)	OJI-CR 521.44(A)
521.44(B)	OJI-CR 521.44(B)
521.44(C)	OJI-CR 521.44(C)
521.44(D)	OJI-CR 521.44(D)
521.44(E)	OJI-CR 521.44(E)
521.45	OJI-CR 521.45
521.51(B)	OJI-CR 521.51(B)
521.51(C)	OJI-CR 521.51(C)
521.51(D)	OJI-CR 521.51(D)
521.51(E)	OJI-CR 521.51(E)



Previous Instruction Number	New Edition Instruction Number
521.52	OJI-CR 521.52
521.331	OJI-CR 521.331
523.01 (offenses committed before 7/1/96)	OJI-CR 523.01 (offenses committed before 7/1/96)
523.01 (offenses committed on and after 7/1/96)	OJI-CR 523.01 (offenses committed on and after 7/1/96)
523.02 (offenses committed before 7/1/96)	OJI-CR 523.02 (offenses committed before 7/1/96)
523.02 (offenses committed on and after 7/1/96)	OJI-CR 523.02 (offenses committed on and after 7/1/96)
523.03 (offenses committed before 7/1/96)	OJI-CR 523.03 (offenses committed before 7/1/96)
523.03 (offenses committed on and after 7/1/96)	OJI-CR 523.03 (offenses committed on and after 7/1/96)
523.12	OJI-CR 523.12
523.13 (offenses committed before 7/1/96)	OJI-CR 523.13 (offenses committed before 7/1/96)
523.13(A) (offenses committed on and after 7/1/96)	OJI-CR 523.13(A) (offenses committed on and after 7/1/96)
523.13(B) (offenses committed on and after 7/1/96)	OJI-CR 523.13(B) (offenses committed on and after 7/1/96)
523.15	OJI-CR 523.15
523.16	OJI-CR 523.16
523.17 (offenses committed before 7/1/96)	OJI-CR 523.17 (offenses committed before 7/1/96)
523.17 (offenses committed on and after 7/1/96)	OJI-CR 523.17 (offenses committed on and after 7/1/96)
523.19	OJI-CR 523.19
523.20 (offenses committed before 7/1/96)	OJI-CR 523.20 (offenses committed before 7/1/96)
523.20 (offenses committed on and after 7/1/96)	OJI-CR 523.20 (offenses committed on and after 7/1/96)
523.21 (offenses committed before 11/9/95)	OJI-CR 523.21 (offenses committed before 11/9/95)
523.21 (offenses committed on and after 11/9/95 but before 7/1/96)	OJI-CR 523.21 (offenses committed on and after 11/9/95 but before 7/1/96)
523.21 (offenses committed on and after 7/1/96)	OJI-CR 523.21 (offenses committed on and after 7/1/96)
523.211(B)	OJI-CR 523.211(B)
523.24 (offenses committed before 7/1/96)	OJI-CR 523.24 (offenses committed before 7/1/96)
523.24 (offenses committed on and after 7/1/96)	OJI-CR 523.24 (offenses committed on and after 7/1/96)
523.32(A)(1)	OJI-CR 523.32(A)(1)
523.32(A)(2)	OJI-CR 523.32(A)(2)
523.32(A)(3)	OJI-CR 523.32(A)(3)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
523.42 (offenses committed on and after 1/1/99)	OJI-CR 523.42 (offenses committed on and after 1/1/99)
523.44	OJI-CR 523.44
523.121 (offenses committed before 7/1/96)	OJI-CR 523.121 (offenses committed before 7/1/96)
523.121 (offenses committed on and after 7/1/96)	OJI-CR 523.121 (offenses committed on and after 7/1/96)
523.122 (offenses committed before 7/1/96)	OJI-CR 523.122 (offenses committed before 7/1/96)
523.122 (offenses committed on and after 7/1/96 but before 3/18/97)	OJI-CR 523.122 (offenses committed on and after 7/1/96 but before 3/18/97)
523.122 (offenses committed on and after 3/18/97 but before 8/6/99)	OJI-CR 523.122 (offenses committed on and after 3/18/97 but before 8/6/99)
523.122 (offenses committed on and after 8/6/99)	OJI-CR 523.122 (offenses committed on and after 8/6/99)
523.123(A)	OJI-CR 523.123(A)
523.123(B)	OJI-CR 523.123(B)
523.131	OJI-CR 523.131
523.161 (offenses committed before 7/1/96)	OJI-CR 523.161 (offenses committed before 7/1/96)
523.161 (offenses committed on and after 7/1/96 but before 8/6/99)	OJI-CR 523.161 (offenses committed on and after 7/1/96 but before 8/6/99)
523.161 (offenses committed on and after 8/6/99)	OJI-CR 523.161 (offenses committed on and after 8/6/99)
525.02 (offenses committed before 7/1/96)	OJI-CR 525.02 (offenses committed before 7/1/96)
525.02 (offenses committed on and after 7/1/96 but before 7/22/98)	OJI-CR 525.02 (offenses committed on and after 7/1/96 but before 7/22/98)
525.02 (offenses committed on and after 7/22/98)	OJI-CR 525.02 (offenses committed on and after 7/22/98)
525.03 (offenses committed before 7/1/96)	OJI-CR 525.03 (offenses committed before 7/1/96)
525.03 (offenses committed on and after 7/1/96 but before 2/13/2001)	OJI-CR 525.03 (offenses committed on and after 7/1/96 but before 2/13/2001)
525.03 (offenses committed on and after 2/13/2001)	OJI-CR 525.03 (offenses committed on and after 2/13/2001)
525.04(offenses committed on and after 7/1/96 but before 8/7/2001)	OJI-CR 525.04 (offenses committed on and after 7/1/96 but before 8/7/2001)
525.04 (offenses committed on and after 7/1/96 but before 8/7/2001)	OJI-CR 525.04 (offenses committed on and after 7/1/96 but before 8/7/2001)
525.041	OJI-CR 525.041
525.05 (offenses committed before 3/23/2000)	OJI-CR 525.05 (offenses committed before 3/23/2000)
525.05 (offenses committed on and after 3/23/2000)	OJI-CR 525.05 (offenses committed on and after 3/23/2000)
525.06	OJI-CR 525.06
525.07	OJI-CR 525.07



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
525.09(A) (offenses committed before 7/22/98)	OJI-CR 525.09(A) (offenses committed before 7/22/98)
525.09(A) (offenses committed on and after 7/22/98)	OJI-CR 525.09(A) (offenses committed on and after 7/22/98)
525.09(B)	OJI-CR 525.09(B)
525.11 (offenses committed before 7/1/96)	OJI-CR 525.11(offenses committed before 7/1/96)
525.11 (offenses committed on and after 7/1/96 but before 6/20/97)	OJI-CR 525.11 (offenses committed on and after 7/1/96 but before 6/20/97)
525.11 (offenses committed on and after 6/20/97)	OJI-CR 525.11 (offenses committed on and after 6/20/97)
525.12 (offenses committed before 7/1/96)	OJI-CR 525.12 (offenses committed before 7/1/96)
525.12 (offenses committed on and after 7/1/96)	OJI-CR 525.12 (offenses committed on and after 7/1/96)
525.13 (offenses committed before 7/1/96)	OJI-CR 525.13 (offenses committed before 7/1/96)
525.13 (offenses committed on and after 7/1/96)	OJI-CR 525.13 (offenses committed on and after 7/1/96)
525.14(C) (offenses committed before 7/1/96)	OJI-CR 525.14(C) (offenses committed before 7/1/96)
525.14(C) (offenses committed on and after 7/1/96)	OJI-CR 525.14(C) (offenses committed on and after 7/1/96)
525.22(offenses committed before 7/1/96)	OJI-CR 525.22 (offenses committed before 7/1/96)
525.22(offenses committed on and after 7/1/96)	OJI-CR 525.22(offenses committed on and after 7/1/96)
525.23 (offenses committed before 7/1/96)	OJI-CR 525.23 (offenses committed before 7/1/96)
525.23(offenses committed on and after 7/1/96 but before 7/22/98)	OJI-CR 525.23(offenses committed on and after 7/1/96 but before 7/22/98)
525.23(offenses committed on and after 7/22/98)	OJI-CR 525.23(offenses committed on and after 7/22/98)
525.24	OJI-CR 525.24
525.31(offenses committed before 7/1/96)	OJI-CR 525.31(offenses committed before 7/1/96)
525.31(offenses committed on and after 7/1/96)	OJI-CR 525.31(offenses committed on and after 7/1/96)
525.32 (offenses committed before 7/1/96)	OJI-CR 525.32 (offenses committed before 7/1/96)
525.32(offenses committed on and after 7/1/96 but before 1/1/97)	OJI-CR 525.32(offenses committed on and after 7/1/96 but before 1/1/97)
525.32(offenses committed on and after 1/1/97)	OJI-CR 525.32(offenses committed on and after 1/1/97)
525.33	OJI-CR 525.33
525.36 (offenses committed before 7/1/96)	OJI-CR 525.36 (offenses committed before 7/1/96)



Previous Instruction Number	New Edition Instruction Number
525.36 (offenses committed on and after 7/1/96)	OJI-CR 525.36 (offenses committed on and after 7/1/96)
525.37(offenses committed before 7/1/96)	OJI-CR 525.37(offenses committed before 7/1/96)
525.37 (offenses committed on and after 7/1/96)	OJI-CR 525.37 (offenses committed on and after 7/1/96)
525.42	OJI-CR 525.42
527.01	OJI-CR 527.01
527.02(B)(1)	OJI-CR 527.02(B)(1)
527.02(B)(2)	OJI-CR 527.02(B)(2)
527.02(B)(3) (offenses committed on and after 3/15/01)	OJI-CR 527.02(B)(3) (offenses committed on and after 3/15/01)
527.02(C)	OJI-CR 527.02(C)
527.03	OJI-CR 527.03
527.11	OJI-CR 527.11
527.12	OJI-CR 527.12
527.13	OJI-CR 527.13
527.21	OJI-CR 527.21
527.24(B)	OJI-CR 527.24(B)
527.24(C)	OJI-CR 527.24(C)
527.27(A) (offenses committed on and after 10/09/01)	OJI-CR 527.27(A) (offenses committed on and after 10/09/01)
527.27(B) (offenses committed on and after 10/09/01)	OJI-CR 527.27(B) (offenses committed on and after 10/09/01)
533.92	OJI-CR 533.92
547.11(A)(1)(offenses committed on and after 1/1/04)	OJI-CR 547.11(A)(1)(offenses committed on and after 1/1/04)
547.11(A)(2)-(6) (offenses committed on and after 1/1/04)	OJI-CR 547.11(A)(2)-(6) (offenses committed on and after 1/1/04)
547.11(B)(offenses committed on and after 1/1/04)	OJI-CR 547.11(B)(offenses committed on and after 1/1/04)
549.01(offenses committed on and after 1/1/04)	OJI-CR 709.01(offenses committed on and after 1/1/04)
549.02	OJI-CR 749.02
549.021	OJI-CR 749.021
549.03	OJI-CR 749.03
549.62(A)	OJI-CR 749.62(A)
549.62(B)	OJI-CR 749.62(B)
549.62(C)	OJI-CR 749.62(C)
549.62(D)	OJI-CR 749.62(D)
550.02 (offenses committed before 7/1/97)	OJI-CR 550.02 (offenses committed before 7/1/97)
550.04 (offenses committed on and after 7/1/97 but before 7/13/030)	OJI-CR 550.04 (offenses committed on and after 7/1/97 but before 7/13/030)
550.04 (offenses committed on and after 7/31/03)	OJI-CR 550.04 (offenses committed on and after 7/31/03)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
550.041 (offenses committed on and after 7/31/04)	OJI-CR 550.041 (offenses committed on and after 7/31/04)
550.05 (offenses committed before 7/1/97)	OJI-CR 550.05 (offenses committed before 7/1/97)
550.05 (offenses committed on and after 7/1/97 but before 7/31/03)	OJI-CR 550.05 (offenses committed on and after 7/1/97 but before 7/31/03)
550.05 (offenses committed on and after 7/31/03 but before 4/29/05)	OJI-CR 550.05 (offenses committed on and after 7/31/03 but before 4/29/05)
550.05 (offenses committed on and after 4/29/05)	OJI-CR 550.05 (offenses committed on and after 4/29/05)
550.06 (offenses committed on and after 7/1/97 but before 7/31/03)	OJI-CR 550.06 (offenses committed on and after 7/1/97 but before 7/31/03)
550.06 (offenses committed on and after 7/31/03)	OJI-CR 550.06 (offenses committed on and after 7/31/03)
551.01	OJI-CR 551.01
551.03	OJI-CR 551.03
551.05	OJI-CR 551.05
551.07	OJI-CR 551.07
551.09	OJI-CR 551.09
551.11	OJI-CR 551.11
555.03	OJI-CR 559.03
710.11(A)(offenses committed before 1/1/04)	OJI-CR 710.11(A)(offenses committed before 1/1/04)
710.11(A) (offenses committed on and after 1/1/04)	OJI-CR 710.11(A) (offenses committed on and after 1/1/04)
710.11(B)(offenses committed before 1/1/04)	OJI-CR 710.11(B)(offenses committed before 1/1/04)
710.11(B) (offenses committed on and after 1/1/04)	OJI-CR 710.11(B) (offenses committed on and after 1/1/04)
710.12(A)(1)(a)(offenses committed before 1/1/04)	OJI-CR 710.12(A)(1)(a)(offenses committed before 1/1/04)
710.12(A)(1)(a) (offenses committed on and after 6/1/04)	OJI-CR 710.12(A)(1)(a) (offenses committed on and after 6/1/04)
710.12(A)(1)(b) (offenses committed before 1/1/04)	OJI-CR 710.12(A)(1)(b) (offenses committed before 1/1/04)
710.12(A)(1)(b) (offenses committed on and after 1/1/04)	OJI-CR 710.12(A)(1)(b) (offenses committed on and after 1/1/04)
710.12(A)(2) (offenses committed before 1/1/04)	OJI-CR 710.12(A)(2) (offenses committed before 1/1/04)
710.12(A)(2)(offenses committed on and after 1/1/04)	OJI-CR 710.12(A)(2)(offenses committed on and after 1/1/04)
710.16(offenses committed before 1/1/04)	OJI-CR 710.16(offenses committed before 1/1/04)
710.16 (offenses committed before 1/1/04)	OJI-CR 710.16 (offenses committed before 1/1/04)
710.21 (offenses committed before 1/1/04)	OJI-CR 710.21 (offenses committed before 1/1/04)



<b>Previous Instruction Number</b>	<b>New Edition Instruction Number</b>
710.21(offenses committed on and after 1/1/04)	OJI-CR 710.21(offenses committed on and after 1/1/04)
711.19 (offenses committed before 1/1/04)	OJI-CR 711.19 (offenses committed before 1/1/04)
711.19 (offenses committed on and after 1/1/04 but before 6/1/04)	OJI-CR 711.19 (offenses committed on and after 1/1/04 but before 6/1/04)
711.19(offenses committed on and after 6/1/04)	OJI-CR 711.19(offenses committed on and after 6/1/04)
711.19(A) (offenses committed before 6/30/03)	OJI-CR 711.19(A) (offenses committed before 6/30/03)
711.19(A)(offenses committed on and after 6/30/03 but before 1/1/04)	OJI-CR 711.19(A)(offenses committed on and after 6/30/03 but before 1/1/04)
711.19(A)(offenses committed on and after 1/1/04 but before 6/1/04)	OJI-CR 711.19(A)(offenses committed on and after 1/1/04 but before 6/1/04)
711.19(A)(offenses committed on and after 6/1/04)	OJI-CR 711.19(A)(offenses committed on and after 6/1/04)
711.19(A)(1)(b)-(j) (offenses committed on and after 8/17/06)	711.19(A)(1)(b)-(j) (offenses committed on and after 8/17/06)
711.19(A)(2) (offenses committed on and after 9/23/04)	OJI-CR 711.19(A)(2) (offenses committed on and after 9/23/04)
711.19(B) (offenses committed before 6/30/03)	OJI-CR 711.19(B) (offenses committed before 6/30/03)
711.19(B) (offenses committed on and after 6/30/03 but before 1/1/04)	OJI-CR 711.19(B) (offenses committed on and after 6/30/03 but before 1/1/04)
711.19(B) (offenses committed on and after 1/1/04 but before 6/1/04)	OJI-CR 711.19(B) (offenses committed on and after 1/1/04 but before 6/1/04)
711.19(B)(offenses committed on and after 6/1/04)	OJI-CR 711.19(B)(offenses committed on and after 6/1/04)
711.194	OJI-CR 711.194
711.203 (offenses committed before 1/1/04)	OJI-CR 711.203 (offenses committed before 1/1/04)
711.203 (offenses committed on and after 1/1/04)	OJI-CR 711.203 (offenses committed on and after 1/1/04)





## Chapter CR 521

# OFFENSES AGAINST JUSTICE AND PUBLIC ADMINISTRATION

### COMMENT

Senate Bill 2 (S.B. 2), effective July 1, 1996, is primarily felony sentencing legislation. It applies prospectively to offenses committed on and after July 1, 1996 except as may be otherwise required by RC 1.58. Some instructions in this Chapter apply only to offenses committed on and after July 1, 1996. The other instructions are not affected by S.B. 2.

- CR 521.02 Bribery R.C. 2921.02 (offenses committed before 10/1/12) *[Rev. 9/12/20]*
- CR 521.02 Bribery R.C. 2921.02 (offenses committed on and after 10/1/12) *[Rev. 9/12/20]*
- CR 521.03 Intimidation (offenses committed on and after 11/6/96)
- CR 521.04 Intimidation of a(n) attorney, victim or witness in a criminal case (offenses committed on and after 9/3/96 but before 6/4/12) *[Rev. 5-12-12]*
- CR 521.04 Intimidation of a/an attorney, victim or witness in a criminal case (offenses committed on and after 6/4/12) *[Rev. 9/12/20]*
- CR 521.05 Retaliation R.C. 2921.05 *[Rev. 9/12/20]*
- CR 521.11 Perjury
- CR 521.12 Tampering with evidence
- CR 521.13 Falsification; in theft offense; to purchase firearm; to obtain concealed-handgun license; regarding a removal proceeding R.C. 2921.13 (offenses committed on and after 3/23/15) *[Rev. 10/10/20]*
- CR 521.14 Making or causing a false report of child abuse or neglect
- CR 521.17 Restrictions on present or former public officials or employees R.C. 102.03 (offenses committed on and after 9/29/17) *[Rev. 1/30/21]*
- CR 521.21 Compounding a crime
- CR 521.22(A) Failure to report a crime: a felony or the unauthorized use of computer, cable, or telecommunication property R.C. 2921.22(A) (offenses committed on and after 4/7/09) *[Rev. 10/10/20]*
- CR 521.22(B) Failure to report a crime: gunshot/stab wound R.C. 2921.22(B) (offenses committed on and after 4/6/17) *[Rev. 10/10/20]*
- CR 521.22(C) Failure to report knowledge of a death R.C. 2921.22(C) (offenses committed on and after 4/6/17) *[Rev. 10/10/20]*
- CR 521.22(D) Failure to report knowledge of a death (offenses committed on and after 3/18/97)
- CR 521.22(E) Failure to report a burn injury R.C. 2921.22(E) (offenses committed on and after 4/6/17) *[Rev. 10/10/20]*

- CR 521.24 Disclosure of confidential information R.C. 2921.24 (offenses committed on and after 3/30/07) *[Rev. 11/7/20]*
- CR 521.31 Obstructing official business R.C. 2921.31 *[Rev. 11/7/20]*
- CR 521.32(A) Obstructing justice, where the person aided by the defendant was an adult R.C. 2921.32 (offenses committed on and after 6/27/12) *[Rev. 5/22/21]*
- CR 521.32(B) Obstructing justice, where the person aided by the defendant was a minor R.C. 2921.32 (offenses committed on and after 6/27/12) *[Rev. 5/22/21]*
- CR 521.321(A) Assaulting a police dog or police horse R.C. 2921.321 *[Rev. 5/22/21]*
- CR 521.321(B) Harassing a police dog or police horse R.C. 2921.321 *[Rev. 5/22/21]*
- CR 521.321(C) Assaulting an assistance dog R.C. 2921.321 *[Rev. 5/22/21]*
- CR 521.321(D) Harassing an assistance dog R.C. 2921.321 *[Rev. 5/22/21]*
- CR 521.33 Resisting arrest R.C. 2921.33 (offenses committed on and after 9/16/97) *[Rev. 5/22/21]*
- CR 521.331 Failure to comply with order or signal of police officer
- CR 521.34(A)(1) Escape R.C. 2921.34(A)(1) (offenses committed before 9/30/11) *[Rev. 12-10-11]*
- CR 521.34(A)(1) Escape R.C. 2921.34(A)(1) (offenses committed on and after 9/30/11) *[Rev. 12-10-11]*
- CR 521.34(A)(2) Escape (offense committed by sexually violent predator on and after 1/1/97)
- CR 521.35(A) Aiding escape or resistance to lawful authority (conveyance of instrument or thing into detention facility)
- CR 521.35(B) Aiding escape or resistance to lawful authority
- CR 521.36 Illegal conveyance of weapons, drugs, or prohibited items R.C. 2921.36 (offenses committed on and after 10/5/09) *[Rev. 11/5/16]*
- CR 521.38 Harassment by inmate (offenses committed on and after 6/11/97 but before 4/4/07) *[Rev. 5-03-08]*
- CR 521.38 Harassment with bodily substance (offenses committed on and after 4/4/07) *[Rev. 5-03-08]*
- CR 521.41 Theft in office
- CR 521.42 Having an unlawful interest in a public contract *[Rev. 1-22-11]*
- CR 521.43(A) Soliciting improper compensation (illegal or additional compensation)
- CR 521.43(B) Soliciting improper compensation (for appointment, preference)
- CR 521.43(C) Soliciting improper compensation (coerced contributions)
- CR 521.44(A) Dereliction of duty (law enforcement officer)
- CR 521.44(B) Dereliction of duty (law enforcement, ministerial, judicial officer)
- CR 521.44(C) Dereliction of duty (officer of a detention facility)
- CR 521.44(D) Dereliction of duty (public official)
- CR 521.44(E) Dereliction of duty (public servant)
- CR 521.45 Interfering with civil rights
- CR 521.51(B) Impersonating a peace officer or private policeman
- CR 521.51(C) Impersonating a peace officer or private policeman (arrest or search)
- CR 521.51(D) Impersonating a peace officer or private policeman (to commit or facilitate an



offense)

CR 521.51(E) Impersonating a peace officer or private policeman (while committing a felony)

CR 521.52 Using sham legal process

CR 521.02 Bribery R.C. 2921.02 (offenses committed before 10/1/12) [Rev. 9/12/20]

1. The defendant is charged with bribery. Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of

*(Text continued on page 57)*

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..



8. CONCLUSION WITH LESSER INCLUDED OFFENSE. OJI-CR 425.09, OJI-CR 425.11.

**CR 521.31 Obstructing official business R.C. 2921.31 [Rev. 11/7/20]**

1. The defendant is charged with obstructing official business. Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and in \_\_\_\_\_ (County) (*other jurisdiction*), Ohio, the defendant, without privilege to do so and with purpose to (prevent) (obstruct) (delay) the performance by a public official of any authorized act within his/her official capacity, did an act that (hampered) (impeded) the public official in the performance of his/her lawful duties.

**COMMENT**

The defendant must have engaged in one or more affirmative or overt acts or undertakings that hamper or impede a public official in the performance of the official's lawful duties. A mere failure or refusal to respond to an officer's request does not constitute obstructing official business. *State v. Folley*, 2d Dist. Montgomery No. 24221, 2011-Ohio-4539; *State v. Body*, 2d Dist. Montgomery No. 27732, 2018-Ohio-3395.

2. PRIVILEGE. "Privilege" means an immunity, license, or right conferred by law, or bestowed by express or implied grant, or arising out of status, position, office, or relationship, or growing out of necessity.

**COMMENT**

R.C. 2901.01.

3. PURPOSELY. OJI-CR 417.01; R.C. 2901.22(A).

4. PUBLIC OFFICIAL. "Public official" means any elected or appointed officer, or employee, or agent of the state or any political subdivision thereof, whether in a temporary or permanent capacity, and including without limitation legislators, judges, and law-enforcement officers.

**COMMENT**

R.C. 2921.01.

5. HAMPER OR IMPEDE. To "hamper or impede" means to do some affirmative act that disrupts, hinders, or stops the progress of the public official.

**COMMENT**

Drawn from *State v. McLaughlin*, 2d Dist. Montgomery No. 26521, 2015-Ohio-4611; *State v. McCoy*, 2d Dist. Montgomery No. 22479, 2008-Ohio-5648.

There is no finite period of time that constitutes a stoppage. *State v. McLaughlin*,

2d Dist. Montgomery No. 26521, 2015-Ohio-4611. The state does not have to prove that the defendant caused the public official to fail in the official's duties, but only that the defendant disrupted the official's performance of that person's duties. *State v. McCoy*, 2d Dist. Montgomery No. 22479, 2008-Ohio-5648. The state must prove that the defendant did more than cause a minor delay, annoyance, irritation, or inconvenience to the public official. *Toledo v. Whiting*, 6th Dist. Lucas Nos. L-17-1113, L-17-1247, 2019-Ohio-56.

6. **LAWFUL DUTIES.** "Lawful duties" means any act or acts that a public official is required by law to perform or is permitted by law to perform in good faith.

#### COMMENT

Drawn from *State v. Lohaus*, 1st Dist. Hamilton No. C-020444, 2003-Ohio-777; *State v. Pembaur*, 9 Ohio St.3d 136 (1984).

7. **ADDITIONAL FINDING:** OJI-CR 425.25; R.C. 2921.21(B).

8. **RISK.** "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.

#### COMMENT

R.C. 2901.01.

9. **PHYSICAL HARM TO A PERSON.** R.C. 2901.01.

10. **CONCLUSION.** OJI-CR 425.01.

11. **CONCLUSION WITH LESSER INCLUDED OFFENSE.** OJI-CR 425.09, OJI-CR 425.11.

**CR 521.32(A) Obstructing justice, where the person aided by the defendant was an adult R.C. 2921.32 (offenses committed on and after 6/27/12) [Rev. 5/22/21]**

1. The defendant is charged with obstructing justice. Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and in \_\_\_\_\_ (County) (*other jurisdiction*), Ohio, the defendant, with purpose to (hinder the [discovery] [apprehension] [prosecution] [conviction] [punishment] of another for) (assist another to benefit from the commission of) (*insert name of offense*)

(Use appropriate alternative[s])

(A)(1) (harbored) (concealed) that other person;

(or)

(A)(2) provided that other person with (money) (transportation) (a weapon) (a disguise) (*describe other means of avoiding discovery or apprehension*);



(or)

(A)(3) warned that other person of impending (discovery) (apprehension);

(or)

(A)(4)(a) (destroyed) (concealed) physical evidence of the crime;

(or)

(A)(4)(b) induced a person to (withhold [testimony] [information]) (elude legal process summoning him/her to [testify] [supply evidence]);

(or)

(A)(5) communicated false information to any person;

(or)

(A)(6) (prevented) (obstructed) [*insert name of another person*], by means of (force) (intimidation) (deception), from performing an act to aid in the (discovery) (apprehension) (prosecution) of the other person.

2. PURPOSELY. OJI-CR 417.01; R.C. 2901.22(A).

3. LIMITED BURDEN OF PROOF. The state is not required to prove that the other person aided by the defendant was (apprehended for) (charged with) (convicted of) (pleaded guilty to) the crime that that other person committed.

**COMMENT**

R.C. 2921.32(B).

4. OFFENSE COMMITTED BY ANOTHER. To find that (*insert name of offense*) was committed by another person, you must find beyond a reasonable doubt that the other person (*describe the essential elements of that person's offense*).**COMMENT**

While R.C. 2921.32(B) obviates the need for the prosecution to prove that the person aided by the defendant in an obstructing-justice case faced charges for an underlying crime, Ohio appellate courts have expressed differing views about whether the prosecution must show that an underlying crime was in fact committed by that other person. Compare *State v. Mooney*, 5th Dist. Stark No. 2005-CA-00304, 2006-Ohio-6014 (“Obstructing justice involves commission of an underlying crime by another, which must be proven by means of evidence going beyond the mere statement or allegation that a crime was committed”) and *State v. Kolvek*, 9th Dist. Summit No. 21752, 2004-Ohio-3706 (same) with *State v. Smith*, 12th Dist. Butler No. CA2009-02-038, 2010-Ohio-1721 (“declin[ing] to follow the Fifth and Ninth Appellate Districts in requiring the state to prove beyond a reasonable doubt that the person aided committed the underlying crime”).

5. HARBOR. To “harbor” is to provide lodging, shelter, or refuge to a person.

**COMMENT**

Drawn from *State v. Blanton*, 3d Dist. Marion 9-15-07, 2015-Ohio-4620.

6. **FORCE.** “Force” means any violence, compulsion, effort, or constraint (exerted) (used) by any means upon or against a person or thing.

**COMMENT**

Drawn from *Garfield Heights v. Simpson*, 82 Ohio App.3d 286 (8th Dist.1992) (defining the term in a resisting-arrest case).

7. **INTIMIDATION.** “Intimidate” means to frighten, scare, or bully.

**COMMENT**

Drawn from *State v. Hodge*, 5th Dist. Fairfield No. 2019 CA 00035, 2020-Ohio-3002; *State v. Serrano*, 8th Dist. Cuyahoga No. 102583, 2016-Ohio-4691; and *State v. Roulette*, 4th Dist. Scioto No. 10CA3364, 2011-Ohio-6993.

8. **DECEPTION.** R.C. 2913.01.

9. **ADDITIONAL FINDINGS:**

**COMMENT**

The verdict forms must indicate the level of the offense committed by the other person because that information affects the level of the obstructing-justice offense. Depending on the underlying offense charged, the trial court may need to instruct the jury on the essential elements of underlying offense.

In the case of aggravated murder, murder, or a felony of the first or second degree, if the indictment alleges and the jury finds that the defendant knew or had reasonable cause to believe that the crime committed was one of those offenses, then obstructing justice is a felony of the third degree. If that knowledge or belief is not alleged or proved, however, then obstructing justice involving a felony offense is itself a felony of the fifth degree.

- (A) **SPECIAL CIRCUMSTANCES: ACT OF TERRORISM.** OJI-CR 425.25; R.C. 2921.32(C)(5).

If you find the defendant guilty of obstructing justice, you must also decide whether the prosecution has proven beyond a reasonable doubt that the crime committed by the person aided was an act of terrorism. (If you find that the prosecution has met that burden, you must also decide whether the prosecution has proven beyond a reasonable doubt that the act of terrorism resulted in the death of a person who was not a participant in the act of terrorism.)

**COMMENT**

The second sentence of this instruction should be given only if the prosecution



alleges that the act of terrorism resulted in a death.

(B) SPECIAL CIRCUMSTANCES: TRAFFICKING IN PERSONS. OJI-CR 425.25; R.C. 2921.32(C)(6).

If you find the defendant guilty of obstructing justice, you must also decide whether the prosecution has proven beyond a reasonable doubt that the crime committed by the person aided was trafficking in persons.

(C) DEFINITIONS.

(1) ACT OF TERRORISM. R.C. 2909.21.

(2) TRAFFICKING IN PERSONS. R.C. 2905.32.

10. CONCLUSION. OJI-CR 425.01.

11. CONCLUSION WITH LESSER INCLUDED OFFENSE. OJI-CR 425.09, OJI-CR 425.11.

**CR 521.32(B) Obstructing justice, where the person aided by the defendant was a minor R.C. 2921.32 (offenses committed on and after 6/27/12) [Rev. 5/22/21]**

1. The defendant is charged with obstructing justice. Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and in \_\_\_\_\_ (County) (*other jurisdiction*), Ohio, the defendant, with purpose to (hinder the [discovery of a child] [apprehension of a child] [prosecution of a child] [adjudication as a delinquent child] [disposition of a child] for) (assist a child to benefit from the commission of) an act that if committed by an adult would be (*insert name of offense*)

(*Use appropriate alternative[s]*)

(A)(1) (harbored) (concealed) that child;

(*or*)

(A)(2) provided that child with (money) (transportation) (a weapon) (a disguise) (*describe other means of avoiding discovery or apprehension*);

(*or*)

(A)(3) warned that child of impending (discovery) (apprehension);

(*or*)

(A)(4)(a) (destroyed) (concealed) physical evidence of the act;

(*or*)

(A)(4)(b) induced a person to (withhold [testimony] [information]) (elude legal process summoning him/her to [testify] [supply evidence]);

(*or*)

(A)(5) communicated false information to any person;

(or)

(A)(6) (prevented) (obstructed) [*insert name of another person*], by means of (force) (intimidation) (deception), from performing an act to aid in the (discovery) (apprehension) (prosecution) of the child.

2. CHILD. R.C. 2151.011.

3. DELINQUENT CHILD. R.C. 2152.02.

4. ADULT. “Adult” means an individual who is 18 years of age or older.

#### COMMENT

R.C. 2151.011.

5. PURPOSELY. OJI-CR 417.01; R.C. 2901.22(A).

6. LIMITED BURDEN OF PROOF. The state is not required to prove that the child aided by the defendant was (apprehended for) (charged with) (adjudicated a delinquent child for committing) the act that that child committed.

#### COMMENT

R.C. 2921.32(B).

7. THE ACT COMMITTED BY THE CHILD. To find that the child committed (*insert name of offense that would be a crime if committed by an adult*), you must find beyond a reasonable doubt that the child (*describe the essential elements of the child’s act*).

#### COMMENT

While R.C. 2921.32(B) obviates the need for the prosecution to prove that the child aided by the defendant in an obstructing-justice case faced charges for an underlying act that would be a crime if committed by an adult, Ohio appellate courts have expressed differing views about whether the prosecution must show that an underlying criminal act was in fact committed by that child. Compare *State v. Mooney*, 5th Dist. Stark No. 2005-CA-00304, 2006-Ohio-6014 (“Obstructing justice involves commission of an underlying crime by another, which must be proven by means of evidence going beyond the mere statement or allegation that a crime was committed”) and *State v. Kolvek*, 9th Dist. Summit No. 21752, 2004-Ohio-3706 (same) with *State v. Smith*, 12th Dist. Butler No. CA2009-02-038, 2010-Ohio-1721 (“declin[ing] to follow the Fifth and Ninth Appellate Districts in requiring the state to prove beyond a reasonable doubt that the person aided committed the underlying crime”).

8. HARBOR. To “harbor” is to provide lodging, shelter, or refuge to a person.



**COMMENT**

Drawn from *State v. Blanton*, 3d Dist. Marion No. 9-15-07, 2015-Ohio-4620.

9. **FORCE.** “Force” means any violence, compulsion, effort, or constraint (exerted) (used) by any means upon or against a person or thing.

**COMMENT**

Drawn from *Garfield Heights v. Simpson*, 82 Ohio App.3d 286 (8th Dist. 1992) (defining the term in a resisting-arrest case).

10. **INTIMIDATION.** “Intimidate” means to frighten, scare, or bully.

**COMMENT**

Drawn from *State v. Hodge*, 5th Dist. Fairfield No. 2019 CA 00035, 2020-Ohio-3002; *State v. Serrano*, 8th Dist. Cuyahoga No. 102583, 2016-Ohio-4691; and *State v. Roulette*, 4th Dist. Scioto No. 10CA3364, 2011-Ohio-6993.

11. **DECEPTION.** R.C. 2913.01.

12. **ADDITIONAL FINDINGS:**

**COMMENT**

The verdict forms must indicate the level of the offense committed by the child that would have been a crime if committed by an adult because that information affects the level of the obstructing-justice offense. Depending on the underlying offense charged, the trial court may need to instruct the jury on the essential elements of the child’s underlying offense.

In the case of aggravated murder, murder, or a felony of the first or second degree, if the indictment alleges and the jury finds that the defendant knew or had reasonable cause to believe that the act committed by the child was one of those offenses, then obstructing justice is a felony of the third degree. If that knowledge or belief is not alleged or proved, however, then obstructing justice involving a felony offense is itself a felony of the fifth degree.

- (A) **SPECIAL CIRCUMSTANCES: ACT OF TERRORISM.** OJI-CR 425.25; R.C. 2921.32(C)(5).

If you find the defendant guilty of obstructing justice, you must also decide whether the prosecution has proven beyond a reasonable doubt that the act committed by the child aided was an act of terrorism. (If you find that the prosecution has met that burden, you must also decide whether the prosecution has proven beyond a reasonable doubt that the act of terrorism resulted in the death of a person who was not a participant in the act of terrorism.)

**COMMENT**

The second sentence of this instruction should be given only if the prosecution alleges that the act of terrorism resulted in a death.

(B) SPECIAL CIRCUMSTANCES: TRAFFICKING IN PERSONS. OJI-CR 425.25; R.C. 2921.32(C)(6).

If you find the defendant guilty of obstructing justice, you must also decide whether the prosecution has proven beyond a reasonable doubt that the act committed by the child aided was trafficking in persons.

(C) DEFINITIONS:

(1) ACT OF TERRORISM. R.C. 2909.21.

(2) TRAFFICKING IN PERSONS. R.C. 2905.32.

13. CONCLUSION. OJI-CR 425.01.

14. CONCLUSION WITH LESSER INCLUDED OFFENSE. OJI-CR 425.09, OJI-CR 425.11.

**CR 521.321(A) Assaulting a police dog or police horse R.C. 2921.321 [Rev. 5/22/21]**

1. The defendant is charged with assaulting a police (dog) (horse). Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and in \_\_\_\_\_ County (*other jurisdiction*), the defendant knowingly (caused) (attempted to cause) physical harm to a police (dog) (horse), and

*(Use appropriate alternative[s])*

(A)(1) the defendant knew or should have known at the time that the (dog) (horse) was a police (dog) (horse), and the police (dog) (horse) was assisting a law-enforcement officer in the performance of the officer's official duties at the time the physical harm was (caused) (attempted);

*(or)*

(A)(2) the defendant had actual knowledge that the (dog) (horse) was a police (dog) (horse), even though it was not assisting a law-enforcement officer in the performance of the officer's official duties at the time the physical harm was (caused) (attempted).

**COMMENT**

R.C. 2921.321(G) requires the prosecution to prove that the defendant knew or should have known at the time of the offense that the police dog or horse was in fact a police dog or horse.



2. KNOWINGLY. OJI-CR 417.11; R.C. 2901.22(B).
3. CAUSE. OJI-CR 417.23.
4. ATTEMPT. OJI-CR 523.02.
5. PHYSICAL HARM. "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

**COMMENT**

R.C. 2921.321(H)(1).

6. POLICE DOG OR HORSE. ("Police dog") ("Police horse") means a (dog) (horse) that has been trained, and may be used, to assist law-enforcement officers in the performance of their official duties.

**COMMENT**

R.C. 2921.321(H)(2).

7. SHOULD HAVE KNOWN. In deciding whether the defendant should have known at the time that the police (dog) (horse) was in fact a police (dog) (horse), you must put yourself in the position of the defendant with his/her knowledge or lack of knowledge and under the circumstances and conditions that surrounded him/her at the time. You must consider the conduct of the persons involved and must decide whether their acts and words and all of the surrounding circumstances would have caused a person of ordinary alertness and care to know at the time that the (dog) (horse) was in fact a police (dog) (horse).

**COMMENT**

Drawn from OJI-CR 511.01(B) and OJI-CR 513.02.

8. LAW-ENFORCEMENT OFFICER. R.C. 2901.01.
9. AFFIRMATIVE DEFENSE. R.C. 2921.321(F); OJI-CR 417.27, OJI-CR 417.29.

**COMMENT**

R.C. 2921.321(F) creates an exception to the prohibition of R.C. 2921.321(A). The Committee believes this is an affirmative defense under R.C. 2901.05(D) or in the nature of an affirmative defense and must be treated as such. *See State v. Little*, 8th Dist. Cuyahoga No. 57033 (Mar. 14, 1991); *State v. Hassell*, 1st Dist. Hamilton No. C-920530 (May 5, 1993).

In *State v. Nucklos*, 121 Ohio St.3d 332, 2009-Ohio-792, the Supreme Court held that "R.C. 2925.03(B) (1) excludes licensed health professionals from being subject to drug-trafficking charges, and the burden of proving the inapplicability of this exclusion rests upon the State. Therefore, to convict a licensed health professional of trafficking in drugs under R.C. 2925.03(A), the State bears the burden of proving

beyond a reasonable doubt the inapplicability of the licensed-health-professional exception in R.C. 2925.03(B)(1) by submitting evidence that the licensed health professional violated statutes or regulations that define the standard of care for dispensing controlled substances.”

The Committee recognizes that this case presents a dilemma for the trial judge as to when to instruct the jury that the state must prove that the exception in the criminal statute does not apply to the defendant.

The Committee believes that *Nucklos* should only apply when the defendant’s status or circumstances suggest potential application of an exemption or exception. Compare *State v. Durbin*, 9th Dist. Summit No. 10CA0136-M, 2012-Ohio-301, which holds that the exception is always an element of the offense that the state must prove beyond a reasonable doubt, with *Miamisburg v. Hanson*, 2d Dist. Montgomery No. 26582, 2016-Ohio-964, which disagrees with the holding in *Durbin*.

10. ADDITIONAL FINDING: SPECIAL FINDINGS. OJI-CR 425.25; R.C. 2921.321(E).

COMMENT

A finding by the jury that the crime resulted in the death of the police dog or horse, serious physical harm to the police dog or horse other than death, or physical harm to the police dog or horse other than death or serious physical harm can elevate the level of the offense and can lead to certain mandatory consequences that are explained in R.C. 2921.321(E)(1).

11. SERIOUS PHYSICAL HARM. R.C. 2921.321(H)(3).

12. CONCLUSION. OJI-CR 425.01.

13. CONCLUSION WITH AFFIRMATIVE DEFENSE. OJI-CR 425.03.

14. CONCLUSION WITH LESSER INCLUDED OFFENSE. OJI-CR 425.09, OJI-CR 425.11.

**CR 521.321(B) Harassing a police dog or police horse R.C. 2921.321 [Rev. 5/22/21]**

1. The defendant is charged with harassing a police (dog) (horse). Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and in \_\_\_\_\_ County (other jurisdiction), the defendant

(Use appropriate alternative[s])

(A) recklessly (taunted) (tormented) (struck) a police (dog) (horse), and the defendant knew or should have known at the time that the (dog) (horse) was a police (dog) (horse);

(or)

(B) recklessly threw a/an (object) (substance) at a police (dog) (horse), and the



defendant knew or should have known at the time that the (dog) (horse) was a police (dog) (horse);

(or)

(C) recklessly [(interfered with) (obstructed) a police (dog) (horse)] [(interfered with) (obstructed) a law-enforcement officer who was being assisted by a police (dog) (horse)] in a manner that

*(Use appropriate alternative[s])*

(1) (inhibited) (restricted) the law-enforcement officer's control of the police (dog) (horse), and the defendant knew or should have known at the time that the (dog) (horse) was a police (dog) (horse);

(or)

(2) deprived the law-enforcement officer of control of the police (dog) (horse), and the defendant knew or should have known at the time that the (dog) (horse) was a police (dog) (horse);

(or)

(3) released the police (dog) (horse) from its area of control, and the defendant knew or should have known at the time that the (dog) (horse) was a police (dog) (horse);

(or)

(4) entered the area of control of the police (dog) (horse) without the consent of the law-enforcement officer, including placing (food) (any [object] [substance]) into that area, and the defendant knew or should have known at the time that the (dog) (horse) was a police (dog) (horse);

(or)

(5) (inhibited) (restricted) the ability of the police (dog) (horse) to assist a law-enforcement officer, and the defendant knew or should have known at the time that the (dog) (horse) was a police (dog) (horse).

(D) recklessly engaged in conduct that was likely to cause (serious physical harm) (death) to a police (dog) (horse), and the defendant knew or should have known at the time that the (dog) (horse) was a police (dog) (horse).

(E) , who was the (owner) (keeper) (harborer) of a dog, recklessly failed to reasonably restrain the dog from (taunting) (tormenting) (chasing) (approaching in a/an [menacing fashion] [apparent attitude of attack]) (attempting to [bite] [endanger]) a police (dog) (horse) that (at the time was assisting a law-enforcement officer in the performance of the officer's duties, and the defendant should have known at the time that the police [dog] [horse] was in fact a police [dog] [horse]) (the defendant knew was a police [dog] [horse]).

#### COMMENT

R.C. 2921.321(G) requires the prosecution to prove that the defendant knew or

should have known at the time of the offense that the police dog or horse was in fact a police dog or horse.

2. RECKLESSLY. OJI-CR 417.17; R.C. 2901.22(C).

3. POLICE DOG OR HORSE. (“Police dog”) (“Police horse”) means a (dog) (horse) that has been trained, and may be used, to assist law-enforcement officers in the performance of their official duties.

#### COMMENT

R.C. 2921.321(H)(2).

4. KNOWINGLY. OJI-CR 417.11; R.C. 2901.22(B).

5. SHOULD HAVE KNOWN. In deciding whether the defendant should have known at the time that the police (dog) (horse) was in fact a police (dog) (horse), you must put yourself in the position of this defendant with his/her knowledge or lack of knowledge and under the circumstances and conditions that surrounded him/her at the time. You must consider the conduct of the persons involved and must decide whether their acts and words and all of the surrounding circumstances would have caused a person of ordinary alertness and care to know at the time that the (dog) (horse) was in fact a police (dog) (horse).

#### COMMENT

Drawn from OJI-CR 511.01(B) and OJI-CR 513.02.

6. LAW-ENFORCEMENT OFFICER. R.C. 2901.01.

7. CONSENT. Consent may be either express or implied. Express consent is determined from the written or spoken words of the persons involved. Implied consent is determined from the facts and circumstances that surround those involved, including their words and actions, from which you may infer that consent was given to the defendant.

#### COMMENT

Drawn from *State v. Moning*, 1st Dist. Hamilton No. C-010315, 2002-Ohio-5097.

8. CAUSE. OJI-CR 417.23.

9. SERIOUS PHYSICAL HARM. R.C. 2921.321(H)(3).

10. PHYSICAL HARM. “Physical harm” means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

#### COMMENT

R.C. 2921.321(H)(1).



11. AFFIRMATIVE DEFENSE. R.C. 2921.321(F); OJI-CR 417.27, OJI-CR 417.29.

**COMMENT**

R.C. 2921.321(F) creates an exception to the prohibition of R.C. 2921.321(B). The Committee believes this is an affirmative defense under R.C. 2901.05(D) or in the nature of an affirmative defense and must be treated as such. *See State v. Little*, 8th Dist. Cuyahoga No. 57033 (Mar. 14, 1991); *State v. Hassell*, 1st Dist. Hamilton No. C-920530 (May 5, 1993).

In *State v. Nucklos*, 121 Ohio St.3d 332, 2009-Ohio-792, the Supreme Court held that “R.C. 2925.03(B) (1) excludes licensed health professionals from being subject to drug-trafficking charges, and the burden of proving the inapplicability of this exclusion rests upon the State. Therefore, to convict a licensed health professional of trafficking in drugs under R.C. 2925.03(A), the State bears the burden of proving beyond a reasonable doubt the inapplicability of the licensed-health-professional exception in R.C. 2925.03(B)(1) by submitting evidence that the licensed health professional violated statutes or regulations that define the standard of care for dispensing controlled substances.”

The Committee recognizes that this case presents a dilemma for the trial judge as to when to instruct the jury that the state must prove that the exception in the criminal statute does not apply to the defendant.

The Committee believes that *Nucklos* should only apply when the defendant's status or circumstances suggest potential application of an exemption or exception. Compare *State v. Durbin*, 9th Dist. Summit No. 10CA0136-M, 2012-Ohio-301, which holds that the exception is always an element of the offense that the state must prove beyond a reasonable doubt, with *Miamisburg v. Hanson*, 2d Dist. Montgomery No. 26582, 2016-Ohio-964, which disagrees with the holding in *Durbin*.

12. ADDITIONAL FINDING: SPECIAL FINDINGS. OJI-CR 425.25; R.C. 2921.321(E).

**COMMENT**

A finding by the jury that the crime resulted in the death of the police dog or horse, serious physical harm other than death to the police dog or horse, or physical harm other than death or serious physical harm to the police dog or horse can elevate the level of the offense as explained in R.C. 2921.321(E)(2).

13. CONCLUSION. OJI-CR 425.01.

14. CONCLUSION WITH AFFIRMATIVE DEFENSE. OJI-CR 425.03.

15. CONCLUSION WITH LESSER INCLUDED OFFENSE. OJI-CR 425.09, OJI-CR 425.11.

**CR 521.321(C) Assaulting an assistance dog R.C. 2921.321 [Rev. 5/22/21]**

1. The defendant is charged with assaulting an assistance dog. Before you can find the

defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and in \_\_\_\_\_ County (*other jurisdiction*), the defendant knowingly (caused) (attempted to cause) physical harm to an assistance dog, and

*(Use appropriate alternative[s])*

(A) the defendant knew or should have known at the time that the dog was an assistance dog, and the dog was (assisting) (serving) a (blind) (deaf) (hearing-impaired) (mobility-impaired) person at the time the physical harm was (caused) (attempted);

*(or)*

(B) the defendant had actual knowledge that the dog was an assistance dog, even though it was not (assisting) (serving) a (blind) (deaf) (hearing-impaired) (mobility-impaired) person at the time the physical harm was (caused) (attempted).

#### COMMENT

R.C. 2921.321(G) requires the prosecution to prove that the defendant knew or should have known at the time of the offense that the dog was in fact an assistance dog.

2. KNOWINGLY. OJI-CR 417.11; R.C. 2901.22(B).
3. CAUSE. OJI-CR 417.23.
4. ATTEMPT. OJI-CR 523.02.
5. PHYSICAL HARM. “Physical harm” means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

#### COMMENT

R.C. 2921.321(H)(1).

6. ASSISTANCE DOG. “Assistance dog” means a guide dog, hearing dog, or service dog that has been trained by a nonprofit special agency.

#### COMMENT

R.C. 2921.321(H)(4).

7. GUIDE DOG. “Guide dog” means a dog that has been trained or is in training to assist a blind person.

#### COMMENT

R.C. 955.011.



8. BLIND PERSON. R.C. 955.011(B)(2).

9. HEARING DOG. "Hearing dog" means a dog that has been trained or is in training to assist a deaf or hearing-impaired person.

**COMMENT**

R.C. 955.011(B)(5).

10. HEARING-IMPAIRED PERSON. A "hearing-impaired person" means a loss of hearing in one or both ears in the frequency region important for speech recognition and comprehension.

**COMMENT**

Drawn from R.C. 3701.503(F).

11. SERVICE DOG. "Service dog" means a dog that has been trained or is in training to assist a mobility-impaired person.

**COMMENT**

R.C. 955.011(B)(6).

12. MOBILITY-IMPAIRED PERSON. R.C. 955.011(B)(1).

13. NONPROFIT SPECIAL AGENCY. "Nonprofit special agency" means an organization engaged in the training of any type of assistance dogs.

**COMMENT**

Drawn from R.C. 955.16.

14. SHOULD HAVE KNOWN. In deciding whether the defendant should have known at the time that the dog was in fact an assistance dog, you must put yourself in the position of this defendant with his/her knowledge or lack of knowledge and under the circumstances and conditions that surrounded him/her at the time. You must consider the conduct of the persons involved and must decide whether their acts and words and all of the surrounding circumstances would have caused a person of ordinary alertness and care to know at the time that the dog was in fact an assistance dog.

**COMMENT**

Drawn from OJI-CR 511.01(B) and OJI-CR 513.02.

15. AFFIRMATIVE DEFENSE. R.C. 2921.321(F); OJI-CR 417.27, OJI-CR 417.29.

**COMMENT**

R.C. 2921.321(F) creates an exception to the prohibition of R.C. 2921.321(C).

The Committee believes this is an affirmative defense under R.C. 2901.05(D) or in the nature of an affirmative defense and must be treated as such. *See State v. Little*, 8th Dist. Cuyahoga No. 57033 (Mar. 14, 1991); *State v. Hassell*, 1st Dist. Hamilton No. C-920530 (May 5, 1993).

In *State v. Nucklos*, 121 Ohio St.3d 332, 2009-Ohio-792, the Supreme Court held that “R.C. 2925.03(B) (1) excludes licensed health professionals from being subject to drug-trafficking charges, and the burden of proving the inapplicability of this exclusion rests upon the State. Therefore, to convict a licensed health professional of trafficking in drugs under R.C. 2925.03(A), the State bears the burden of proving beyond a reasonable doubt the inapplicability of the licensed-health-professional exception in R.C. 2925.03(B)(1) by submitting evidence that the licensed health professional violated statutes or regulations that define the standard of care for dispensing controlled substances.”

The Committee recognizes that this case presents a dilemma for the trial judge as to when to instruct the jury that the state must prove that the exception in the criminal statute does not apply to the defendant.

The Committee believes that *Nucklos* should only apply when the defendant’s status or circumstances suggest potential application of an exemption or exception. Compare *State v. Durbin*, 9th Dist. Summit No. 10CA0136-M, 2012-Ohio-301, which holds that the exception is always an element of the offense that the state must prove beyond a reasonable doubt, with *Miamisburg v. Hanson*, 2d Dist. Montgomery No. 26582, 2016-Ohio-964, which disagrees with the holding in *Durbin*.

16. **ADDITIONAL FINDING: SPECIAL FINDINGS.** OJI-CR 425.25; R.C. 2921.321(E).

**COMMENT**

A finding by the jury that the crime resulted in the death of the assistance dog, serious physical harm to the assistance dog other than death, or physical harm to the assistance dog other than death or serious physical harm can elevate the level of the offense as explained in R.C. 2921.321(E)(3).

17. **SERIOUS PHYSICAL HARM.** R.C. 2921.321(H)(3).

18. **CONCLUSION.** OJI-CR 425.01.

19. **CONCLUSION WITH AFFIRMATIVE DEFENSE.** OJI-CR 425.03.

20. **CONCLUSION WITH LESSER INCLUDED OFFENSE.** OJI-CR 425.09, OJI-CR 425.11.

**CR 521.321(D) Harassing an assistance dog R.C. 2921.321 [Rev. 5/22/21]**

1. The defendant is charged with harassing an assistance dog. Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and in \_\_\_\_\_ County (*other jurisdiction*), the defendant

(Use appropriate alternative[s])



(A) recklessly (taunted) (tormented) (struck) an assistance dog, and the defendant knew or should have known at the time that the dog was an assistance dog;

(or)

(B) recklessly threw a/an (object) (substance) at an assistance dog, and the defendant knew or should have known at the time that the dog was an assistance dog;

(or)

(C) recklessly [(interfered with) (obstructed) an assistance dog] [(interfered with) (obstructed) a (blind) (deaf) (hearing-impaired) (mobility-impaired) person who was being assisted by an assistance dog] in a manner that

*(Use appropriate alternative[s])*

(1) (inhibited) (restricted) the (assisted) (served) person's control of the dog, and the defendant knew or should have known at the time that the dog was an assistance dog;

(or)

(2) deprived the (assisted) (served) person of control of the dog, and the defendant knew or should have known at the time that the dog was an assistance dog;

(or)

(3) released the dog from its area of control, and the defendant knew or should have known at the time that the dog was an assistance dog;

(or)

(4) entered the area of control of the dog without the consent of the (assisted) (served) person, including placing (food) (any [object] [substance]) into that area, and the defendant knew or should have known at the time that the dog was an assistance dog;

(or)

(5) (inhibited) (restricted) the ability of the dog to assist the (assisted) (served) person, and the defendant knew or should have known at the time that the dog was an assistance dog.

(D) recklessly engaged in conduct that was likely to cause (serious physical harm) (death) to an assistance dog, and the defendant knew or should have known at the time that the dog was an assistance dog;

(or)

(E) , who was the (owner) (keeper) (harborer) of a dog, recklessly failed to reasonably restrain the dog from (taunting) (tormenting) (chasing) (approaching in a/an [menacing fashion] [apparent attitude of attack]) (attempting to [bite] [endanger]) an assistance dog that (at the time was [assisting] [serving] a [blind] [deaf] [hearing-impaired] [mobility-impaired] person, and the defendant should have

known at the time that the assistance dog was in fact an assistance dog) (the defendant knew was an assistance dog).

**COMMENT**

R.C. 2921.321(G) requires the prosecution to prove that the defendant knew or should have known at the time of the offense that the assistance dog was in fact an assistance dog.

2. RECKLESSLY. OJI-CR 417.17; R.C. 2901.22(C).

3. ASSISTANCE DOG. “Assistance dog” means a guide dog, hearing dog, or service dog that has been trained by a nonprofit special agency.

**COMMENT**

R.C. 2921.321(H)(4).

4. GUIDE DOG. “Guide dog” means a dog that has been trained or is in training to assist a blind person.

**COMMENT**

Drawn from R.C. 955.011(B)(4).

5. BLIND PERSON. R.C. 955.011(B)(2).

6. HEARING DOG. “Hearing dog” means a dog that has been trained or is in training to assist a deaf or hearing-impaired person.

**COMMENT**

R.C. 955.011(B)(5).

7. HEARING-IMPAIRED PERSON. A “hearing-impaired person” means a loss of hearing in one or both ears in the frequency region important for speech recognition and comprehension.

**COMMENT**

Drawn from R.C. 3701.503(F).

8. SERVICE DOG. “Service dog” means a dog that has been trained or is in training to assist a mobility-impaired person.

**COMMENT**

R.C. 955.011(B)(6).



9. MOBILITY-IMPAIRED PERSON. R.C. 955.011(B)(1).

10. NONPROFIT SPECIAL AGENCY. "Nonprofit special agency" means an organization engaged in the training of any type of assistance dogs.

**COMMENT**

Drawn from R.C. 955.16.

11. KNOWINGLY. OJI-CR 417.11; R.C. 2901.22(B).

12. SHOULD HAVE KNOWN. In deciding whether the defendant should have known at the time that the assistance dog was in fact an assistance dog, you must put yourself in the position of this defendant with his/her knowledge or lack of knowledge and under the circumstances and conditions that surrounded him/her at the time. You must consider the conduct of the persons involved and must decide whether their acts and words and all of the surrounding circumstances would have caused a person of ordinary alertness and care to know at the time that the dog was in fact an assistance dog.

**COMMENT**

Drawn from OJI-CR 511.01(B) and OJI-CR 513.02.

13. CONSENT. Consent may be either express or implied. Express consent is determined from the written or spoken words of the persons involved. Implied consent is determined from the facts and circumstances that surround those involved, including their words and actions, from which you may infer that consent was given to the defendant.

**COMMENT**

Drawn from *State v. Moning*, 1st Dist. Hamilton No. C-010315, 2002-Ohio-5097.

14. CAUSE. OJI-CR 417.23.

15. SERIOUS PHYSICAL HARM. R.C. 2921.321(H)(3).

16. PHYSICAL HARM. "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

**COMMENT**

R.C. 2921.321(H)(1).

17. AFFIRMATIVE DEFENSE. R.C. 2921.321(F); OJI-CR 417.27, OJI-CR 417.29.

**COMMENT**

R.C. 2921.321(F) creates an exception to the prohibition of R.C. 2921.321(D).

The Committee believes this is an affirmative defense under R.C. 2901.05(D) or in the nature of an affirmative defense and must be treated as such. *See State v. Little*, 8th Dist. Cuyahoga No. 57033 (Mar. 14, 1991); *State v. Hassell*, 1st Dist. Hamilton No. C-920530 (May 5, 1993).

In *State v. Nucklos*, 121 Ohio St.3d 332, 2009-Ohio-792, the Supreme Court held that “R.C. 2925.03(B) (1) excludes licensed health professionals from being subject to drug-trafficking charges, and the burden of proving the inapplicability of this exclusion rests upon the State. Therefore, to convict a licensed health professional of trafficking in drugs under R.C. 2925.03(A), the State bears the burden of proving beyond a reasonable doubt the inapplicability of the licensed-health-professional exception in R.C. 2925.03(B)(1) by submitting evidence that the licensed health professional violated statutes or regulations that define the standard of care for dispensing controlled substances.”

The Committee recognizes that this case presents a dilemma for the trial judge as to when to instruct the jury that the state must prove that the exception in the criminal statute does not apply to the defendant.

The Committee believes that *Nucklos* should only apply when the defendant’s status or circumstances suggest potential application of an exemption or exception. Compare *State v. Durbin*, 9th Dist. Summit No. 10CA0136-M, 2012-Ohio-301, which holds that the exception is always an element of the offense that the state must prove beyond a reasonable doubt, with *Miamisburg v. Hanson*, 2d Dist. Montgomery No. 26582, 2016-Ohio-964, which disagrees with the holding in *Durbin*.

18. **ADDITIONAL FINDING: SPECIAL FINDINGS. OJI-CR 425.25; R.C. 2921.321(E).**

**COMMENT**

A finding by the jury that the crime resulted in the death of the assistance dog, serious physical harm to the assistance dog other than death, or physical harm to the assistance dog other than death or serious physical harm can elevate the level of the offense as explained in R.C. 2921.321(E)(4).

19. **CONCLUSION. OJI-CR 425.01.**

20. **CONCLUSION WITH AFFIRMATIVE DEFENSE. OJI-CR 425.03.**

21. **CONCLUSION WITH LESSER INCLUDED OFFENSE. OJI-CR 425.09, OJI-CR 425.11.**

**CR 521.33 Resisting arrest R.C. 2921.33 (offenses committed on and after 9/16/97) [Rev. 5/22/21]**

**COMMENT**

Resisting arrest may be committed either recklessly or by force. If it is committed by force, no culpable mental state need be proven. *See City of Columbus v. Harbuck*, 10th Dist. Franklin No. 99AP-1420 (Nov. 30, 2000) (“resisting arrest by force is a strict liability offense”); *City of Findlay v. Clark*, 3d Dist. Hancock No.



5-95-8 (Feb. 12, 1996) (“the language clearly imposes strict liability upon an individual who resists a lawful arrest by force”).

1. The defendant is charged with resisting arrest. Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and in \_\_\_\_\_ (County) (*other jurisdiction*), Ohio, the defendant

*(Use appropriate alternative[s])*

(A) (recklessly) (by force) resisted or interfered with a lawful arrest of (himself/herself) (another);

*(or)*

(B) (recklessly) (by force) resisted or interfered with a lawful arrest of (himself/herself) (another), and (during the course) (as a result) of the resistance or interference, caused physical harm to a law-enforcement officer;

*(or)*

(C) (recklessly) (by force) resisted or interfered with a lawful arrest of (himself/herself) (another), and (during the course) (as a result) of the resistance or interference, (recklessly caused physical harm to a law-enforcement officer by means of a deadly weapon) (brandished a deadly weapon).

2. RECKLESSLY. OJI-CR 417.17; R.C. 2901.22(C).

3. FORCE. “Force” means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing.

#### COMMENT

R.C. 2901.01.

4. RESIST OR INTERFERE. “Resist or interfere” means to oppose, obstruct, hinder, impede, interrupt, or prevent an arrest by a law-enforcement officer by the use of force or recklessly by any means, such as going limp, or any other passive or indirect conduct.

#### COMMENT

Drawn from *State v. Burns*, 5th Dist. Coshocton No. 2013CA0005, 2013-Ohio-4498 (“an accused’s avoidance of apprehension constitutes resisting arrest”); *State v. Bay*, 130 Ohio App.3d 772 (1st Dist.1998) (“going limp constitutes resisting or interfering”); *State v. Williams*, 84 Ohio App.3d 129 (12th Dist.1992) (a person who “fled into a nearby wooded area, ignoring the deputy’s commands to stop,” and who “failed to follow the deputy’s instructions to place his hands on his head and walk backwards to the deputy” resisted arrest).

5. ARREST. “Arrest” means

- (A) an intent to arrest;
- (B) under real or pretended authority;
- (C) accompanied by the (actual) (constructive) seizure or detention of the person; and
- (D) which is so understood by the person arrested.

The state must prove that the arrest was in the process of taking place when the resistance or interference occurred. The state must also prove that the defendant understood that he/she was under arrest.

#### COMMENT

Drawn from *State v. Curtin*, 11th Dist. Ashtabula No. 2020-A-0010, 2020-Ohio-4189 (“a formal arrest is not necessarily an instantaneous event,” and the “initial handcuffing and detention of a defendant does not mean the arrest for the purposes of resisting arrest has already been completed”); *State v. Turic*, 2d Dist. Greene No. 2010 CA 56, 2011-Ohio-6713 (a defendant’s “refusal to allow” an officer to “search her for weapons so that she could be transported to the police station” after she was placed in handcuffs was sufficient to support her resisting-arrest conviction); *City of Columbus v. Obasohan*, 175 Ohio App.3d 391, 2008-Ohio-797 (10th Dist.) (holding that the prosecution “was required to demonstrate beyond a reasonable doubt that” the defendant “understood that she was under arrest before she resisted that arrest”).

#### 6. LAWFUL ARREST. You must also decide whether the arrest was lawful.

*(Use appropriate alternative)*

##### (A) WARRANTLESS ARREST. An arrest is lawful if

- (1) the offense for which the arrest was being made was one for which the defendant could be arrested; and

#### COMMENT

Drawn from *State v. Battle*, 5th Dist. Morgan No. 09 AP 0001, 2010-Ohio-4327 (“the State must prove both that there was a reasonable basis to believe that an offense was committed, and that the offense was one for which the defendant could be lawfully arrested”); *State v. Thompson*, 116 Ohio App.3d 740 (1st Dist.1996) (“the state must prove not only that there was a reasonable basis to believe an offense was committed, but also that the offense was one for which the defendant could be lawfully arrested”).

The trial judge should consider giving appropriate additional instructions about the relevant arrestable offense. For example, if the defendant was being arrested for the crime of assault, the trial judge might want to explain as follows: “You are instructed as a matter of law that an assault is an offense for which the defendant could be arrested.”

- (2) the arresting officer had authority to make the arrest at the time and place where the alleged resistance or interference took place; and



## COMMENT

Drawn from *State v. Craig*, 7th Dist. Columbiana No. 18 CO 0040, 2019-Ohio-4962 (“a police officer possesses the power of arrest outside of that officer’s jurisdiction only if all three provisions of R.C. 2935.03(D) apply”); *State v. O’Neill*, 3d Dist. Allen No. 1-14-21, 2015-Ohio-815 (“As a general rule, an officer may not make a warrantless arrest for a misdemeanor unless the offense was committed in the officer’s presence”).

The trial judge should consider giving appropriate additional instructions about the arresting officer’s authority to make the arrest at the time or place in question. R.C. 2935.03 and R.C. 2935.26 authorizes a warrantless arrest.

(3) a reasonable law-enforcement officer under the facts and circumstances in evidence would have believed that the following elements of (*insert underlying offense*) (were being) (had been) committed by the defendant: (*describe the essential elements of underlying offense*). (The state need not prove that the defendant [was in fact] [has been found] guilty of the offense, but only that [*insert name of arresting officer*] had a reasonable belief of the defendant’s guilt.)

## COMMENT

Drawn from *State v. Boles*, 2d Dist. Montgomery No. 28704, 2020-Ohio-4485 (“Probable cause to arrest exists when a reasonably prudent person would believe that the person to be arrested has committed a crime”); *State v. Parsons*, 11th Dist. Portage No. 2015-P-0084, 2016-Ohio-8109 (“the state need not prove that the defendant was guilty of the offense for which the arrest is made to uphold a subsequent conviction for resisting arrest”); *State v. Vactor*, 9th Dist. Lorain No. 02CA008068, 2003-Ohio-7195 (“The state need not prove that the defendant was in fact guilty of the offense for which the arrest was based when proving the element of lawful arrest”); *State v. Barker*, 128 Ohio App.3d 233 (6th Dist.1998) (“an arrest is lawful if the officer had probable cause to believe that a crime was committed by the defendant, even if the defendant is ultimately found not guilty of the crime”); *State v. Maynard*, 110 Ohio App.3d 6 (4th Dist.1996) (“for the arrest to be a lawful arrest, there must be probable cause for the arrest”).

(or)

(B) ARREST WITH A WARRANT. An arrest is lawful if

(1) it was made after an arrest warrant had been issued for the person arrested; and

## COMMENT

Drawn from *State v. Mendell*, 191 Ohio App.3d 325, 2010-Ohio-6107 (2d Dist.) (“a warrant must be issued prior to an arrest in order for the arrest to be valid under that warrant”); *State v. Harris*, 8th Dist. Cuyahoga No. 85270, 2005-Ohio-2192 (“the discovery that defendant had a warrant for his arrest clearly provided probable cause for defendant’s arrest”). Note that the court in *City of Strongsville v. Waiwood*, 62 Ohio App.3d 521 (8th Dist.1989), held that “a defective arrest warrant may

render an arrest illegal regardless of the reasonableness of police conduct.”

(2) the arresting officer had authority to make the arrest at the time and place where the alleged resistance or interference took place.

#### COMMENT

Drawn from *State v. Martin*, 151 Ohio St.3d 470, 2017-Ohio-7556 (“an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within” but “an arrest warrant does not authorize police to enter the premises of a third party to arrest the subject of the warrant unless an exception to the [search] warrant requirement justifies entry”).

The trial judge should consider giving appropriate additional instructions about the arresting officer’s authority to make the arrest at the time or place in question.

7. CAUSATION. OJI-CR 417.23, OJI-CR 417.25.

8. PHYSICAL HARM TO A LAW-ENFORCEMENT OFFICER. “Physical harm to a law-enforcement officer” means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

#### COMMENT

Drawn from R.C. 2901.01.

9. LAW-ENFORCEMENT OFFICER. R.C. 2901.01.

10. DEADLY WEAPON. “Deadly weapon” means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

#### COMMENT

R.C. 2923.11.

11. BRANDISH. “Brandish” means to wave or exhibit in a menacing or challenging way.

#### COMMENT

Drawn from *State v. Hills*, 8th Dist. Cuyahoga No. 98848, 2013-Ohio-2902.

12. AFFIRMATIVE DEFENSE:

(A) GENERAL. OJI-CR 417.27.

(B) EXCESSIVE OR UNNECESSARY FORCE.

The defendant claims that (*insert name of arresting officer[s]*) used excessive or



unnecessary force in arresting (him/her) (*insert name of other person*). “Excessive or unnecessary force” means more force than necessary under the circumstances to arrest the (defendant) (*insert name of other person*).

When considering whether the defendant has proved that the arresting officer[s] used excessive or unnecessary force, you should consider the totality of the circumstances, and your analysis should be guided by three factors: (1) the severity of the crime for which the arrest was being made, (2) whether the defendant posed an immediate threat to the safety of the officer[s] or others, and (3) the scope of any efforts by the defendant to actively resist the arrest or to attempt to evade the arrest by flight.

The arresting (officer’s) (officers’) actions should be judged from the perspective of a reasonable officer on the scene at the moment when any force was used, rather than with the 20/20 vision of hindsight.

### COMMENT

Drawn from *Black v. Hicks*, 8th Dist. Cuyahoga No. 108958, 2020-Ohio-3976; *Wright v. City of Euclid*, 962 F.3d 852 (6th Cir.2020); *Kisela v. Hughes*, 138 S. Ct. 1148 (2018).

Excessive force is an affirmative defense to a charge of resisting arrest. See *Hayward v. Cleveland Clinic Found.*, 759 F.3d 601 (6th Cir.2014) (“a lawful arrest cannot occur if the arresting officer has used excessive force,” and “a criminal conviction for resisting arrest in Ohio cannot stand where a criminal defendant successfully asserts the affirmative defense of pre-arrest excessive force”); *Mansfield v. Studer*, 5th Dist. Richland Nos. 2011-CA-93 and 2011-CA-94, 2012-Ohio-4840 (“excessive force is an affirmative defense to resisting arrest”).

13. CONCLUSION. OJI-CR 425.01.

14. CONCLUSION WITH AFFIRMATIVE DEFENSE. OJI-CR 425.03.

15. CONCLUSION WITH LESSER INCLUDED OFFENSE. OJI-CR 425.09, OJI-CR 425.11.

### CR 521.331 Failure to comply with order or signal of police officer R.C. 2921.331

1. The defendant is charged with failure to comply with an order or signal of a police officer. Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and in \_\_\_\_\_ (County) (*other jurisdiction*), Ohio, the defendant

(*Use appropriate alternative*)

(A) recklessly failed to comply with any lawful (order) (direction) of any police officer invested with authority to (direct) (control) (regulate) traffic.

**COMMENT**

R.C. 2921.331(A) is not a strict liability statute and recklessness is an

**[Next Page is 111]**



## Chapter CR 523

# CONSPIRACY, ATTEMPT, AND COMPLICITY; WEAPONS CONTROL

### COMMENT

Senate Bill 2 (S.B. 2), effective July 1, 1996, is primarily felony sentencing legislation. It applies prospectively to offenses committed on and after July 1, 1996 except as may be otherwise required by R.C. 1.58(B). Some instructions in this chapter apply only to offenses committed on and after July 1, 1996. The other instructions are not affected by S.B. 2.

- CR 523.01 Conspiracy R.C. 2923.01 (offenses committed before 7/1/96)
- CR 523.01 Conspiracy R.C. 2923.01 (offenses committed on and after 7/1/96)
- CR 523.02 Attempt R.C. 2923.02 (offenses committed before 7/1/96)
- CR 523.02 Attempt R.C. 2923.02 (offenses committed on and after 7/1/96) *[Rev. 2-16-13]*
- CR 523.03(A) Complicity R.C. 2923.03 (offenses committed on and after 7/1/96) *[Rev. 2/6/16]*
- CR 523.03(B) Complicity (Principal Offense) R.C. 2923.03 (offenses committed on and after 7/1/96) *[Rev. 2/6/16]*
- CR 523.12 Carrying concealed weapons R.C. 2923.12 (offenses committed before 3/21/17) *[Rev. 11/18/17]*
- CR 523.12 Carrying concealed weapons R.C. 2923.12 (offenses committed on and after 3/21/17) *[Rev. 5/22/21]*
- CR 523.121 Illegal possession of firearm in liquor permit premises R.C. 2923.121 (offenses committed on and after 3/21/17 but before 3/29/19) *[Rev. 6/27/20]*
- CR 523.121 Illegal possession of firearm in liquor permit premises R.C. 2923.121 (offenses committed on and after 3/29/19) *[Rev. 6/27/20]*
- CR 523.1211 Falsification of concealed handgun license or possessing revoked or suspended license R.C. 2923.1211 (offenses committed on and after 4/8/04) *[Rev. 2-21-09]*
- CR 523.122 Illegal conveyance or possession of deadly weapon or dangerous ordnance or illegal possession of object indistinguishable from firearm in school safety zone R.C. 2923.122 (offenses committed on and after 8/6/99 but before 3/21/17) *[Rev. 12/9/17]*
- CR 523.122 Illegal conveyance or possession of deadly weapon or dangerous ordnance or illegal possession of object indistinguishable from firearm in school safety zone R.C. 2923.122 (offenses committed on and after 3/21/17) *[Rev. 12/9/17]*
- CR 523.123 Illegal conveyance, possession or control of a deadly weapon or dangerous ordnance in a courthouse R.C. 2923.123 (offenses committed on and after 3/14/07 but before 3/21/17) *[Rev. 1/21/18]*
- CR 523.123 Illegal conveyance, possession, or control of a deadly weapon or dangerous ordnance in a courthouse R.C. 2923.123 (offenses committed on and after 3/21/17) *[Rev. 1/20/18]*



- CR 523.123(A) Illegal conveyance of a deadly weapon or dangerous ordnance into a courthouse R.C. 2923.123(A) (offenses committed before 3/14/07) [Rev. 2-21-09]
- CR 523.123(B) Illegal possession or control of a deadly weapon or dangerous ordnance in a courthouse R.C. 2923.123(B) (offenses committed before 3/14/07) [Rev. 2-21-09]
- CR 523.13(A) Having weapons while under disability R.C. 2923.13(A) (offenses committed on and after 8/4/04 but before 9/30/11) [Rev. 9/14/19]
- CR 523.13(A) Having weapons while under disability R.C. 2923.13(A) (offenses committed on and after 9/30/11 but before 3/23/15) [Rev. 9/14/19]
- CR 523.13(A) Having weapons while under disability R.C. 2923.13(A) (offenses committed on and after 3/23/15) [Rev. 9/14/19]
- CR 523.131 Possession of a deadly weapon while under detention R.C. 2923.131
- CR 523.132 Use of firearm by violent career criminal R.C. 2923.132 (offenses committed on and after 9/14/16) [Rev. 10/14/17]
- CR 523.15 Using weapons while intoxicated R.C. 2923.15
- CR 523.16 Improperly handling firearms in a motor vehicle R.C. 2923.16 (offenses committed on and after 3/27/13 but before 3/21/17) [Rev. 12/8/18]
- CR 523.16 Improperly handling firearms in a motor vehicle R.C. 2923.16 (offenses committed on and after 3/21/17 but before 9/28/18) [Rev. 12/8/18]
- CR 523.16 Improperly handling firearms in a motor vehicle R.C. 2923.16 (offenses committed on and after 9/28/18) [Rev. 12/8/18]
- CR 523.161 Improperly discharging firearm at or into a habitation or a school safety zone or with the intent to cause harm or panic to persons in a school, school building, or at a school function or the evacuation of a school function R.C. 2923.161 (offenses committed on and after 10/11/02) [Rev. 2-21-09]
- CR 523.162 Discharge of firearm on or near prohibited premises R.C. 2923.162 (offenses committed on and after 6/1/04) [Rev. 2-21-09]
- CR 523.17 Unlawful possession of dangerous ordnance; illegally manufacturing or processing explosives R.C. 2923.17 (offenses committed on and after 7/1/96) [Rev. 1-22-11]
- CR 523.19 Failure to secure dangerous ordnance R.C. 2923.19
- CR 523.20 Unlawful transactions in weapons R.C. 2923.20 (offenses committed on and after 7/1/96)
- CR 523.201(A)(1) Defacing identification marks of firearm R.C. 2923.201(A)(1) [Rev. 2-21-09]
- CR 523.201(A)(2) Possessing defaced firearm R.C. 2923.201(A)(2) [Rev. 2-21-09]
- CR 523.21 Improperly furnishing firearms to a minor R.C. 2923.21 (offenses committed on and after 7/1/96)
- CR 523.211(B) Underage purchase of a handgun R.C. 2923.211(B)
- CR 523.24 Possessing criminal tools R.C. 2923.24 (offenses committed on and after 7/1/96)
- CR 523.32(A)(1) Engaging in pattern of corrupt activity R.C. 2923.32(A)(1) [Rev. 10/3/15]
- CR 523.32(A)(2) Engaging in pattern of corrupt activity R.C. 2923.32(A)(2) [Rev. 11-1-03]
- CR 523.32(A)(3) Engaging in pattern of corrupt activity R.C. 2923.32(A)(3) [Rev. 11-1-03]
- CR 523.42 Participating in a criminal gang R.C. 2923.42(A) (offenses committed on and after 1/1/99)
- CR 523.44 Forfeiture of property in connection with conviction for participation in a criminal gang



**CR 523.01 Conspiracy R.C. 2923.01 (offenses committed before 7/1/96)**

1. The defendant is charged with conspiracy. Before you can find the defendant guilty, you must find beyond a reasonable doubt, that on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and in \_\_\_\_\_ (County) (*other jurisdiction*), Ohio, the defendant, with purpose to (commit) (promote) (facilitate the commission of) the offense of (aggravated murder) (murder) (kidnapping) (compelling prostitution) (promoting prostitution) (aggravated arson) (arson) (aggravated robbery) (robbery) (aggravated burglary) (burglary) (engaging in a pattern of corrupt activity) (corrupting another with drugs) (aggravated trafficking) (trafficking in drugs) (theft of drugs) (illegal processing of drug documents) (*specify felony offense of unauthorized use of a vehicle*) (*specify felony offense of trafficking in marijuana*) (*specify violation of R.C. Chapter 3734 that relates to hazardous wastes, except R.C. 3734.18*).

*(Use appropriate alternative[s])*

(A)(1) with another person or persons, (planned) (aided in planning) the commission of such offense.

*(or)*

(A)(2) agreed with another person or persons that one or more of them would engage in conduct which facilitated the commission of such offense.

*(Text continued on page 145)*

Dear Mr. [Name],

I am writing to you regarding the [Topic] that we discussed previously.

I have reviewed the information you provided and I am pleased to hear that you are satisfied with the results.

I have also reviewed the [Topic] and I am confident that the results will be positive.

I will be sure to keep you updated on the progress of the [Topic].

I am sure that you will be satisfied with the results.

I will be sure to keep you updated on the progress of the [Topic].

I am sure that you will be satisfied with the results.

I will be sure to keep you updated on the progress of the [Topic].

I am sure that you will be satisfied with the results.

I will be sure to keep you updated on the progress of the [Topic].

I am sure that you will be satisfied with the results.

I will be sure to keep you updated on the progress of the [Topic].

I am sure that you will be satisfied with the results.

I will be sure to keep you updated on the progress of the [Topic].

I am sure that you will be satisfied with the results.

I will be sure to keep you updated on the progress of the [Topic].

I am sure that you will be satisfied with the results.

I will be sure to keep you updated on the progress of the [Topic].



render the defendant particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

**COMMENT**

Drawn from R.C. 2923.12(C)(1):

*(or)*

(2) the weapon was (carried) (kept ready at hand) by the defendant for defensive (purposes) (reasons) while he/she was engaged in a lawful activity, and had reasonable cause to fear a criminal attack upon (himself/herself) (a member of his/her family) (his/her home) such as would justify a prudent person in going armed.

**COMMENT**

Drawn from R.C. 2923.12(C)(2).

*(or)*

(3) the weapon was (carried) (kept ready at hand) by the defendant for a lawful (purpose) (reason) and while in his/her own home.

**COMMENT**

Drawn from R.C. 2923.12(C)(3).

*(or)*

(4) the weapon was being transported in a motor vehicle for a lawful (purpose) (reason) and was not on the defendant's person, and if the weapon was a firearm, was carried unloaded in (a closed [package] [box] [case]) (a compartment which could be reached only by leaving the vehicle) (plain sight and secured in a [rack] [holder] made for the purpose) (plain sight with the [action open] [weapon stripped]) (plain sight and the firearm was of a type [on which the action would not stay open] [which could not easily be stripped]).

**COMMENT**

Drawn from R.C. 2923.12(C)(4), 2923.16(C).

(D) **LAWFUL.** "Lawful" means not forbidden by law.

(E) **REASONABLE CAUSE TO FEAR.** In determining whether the defendant had reasonable cause to fear a criminal attack upon (himself/herself) (a member of his/her family) (his/her home), such as would justify a prudent person in going armed, you must determine if a prudent person in the same or similar circumstances as the defendant would be justified in going armed.

## 10. ADDITIONAL FINDINGS:

- (A) PRIOR CONVICTION. OJI-CR 425.15; R.C. 2923.12(D).
- (B) PHYSICAL HARM. OJI-CR 425.21.
- (C) FIREARM SPECIFICATION. OJI-CR 417.41; R.C. 2923.12(D).
- (D) DANGEROUS ORDNANCE. OJI-CR 425.25; R.C. 2923.12(D).
- (E) PERMIT PREMISES. OJI-CR 425.25; R.C. 2923.12(D).
- (F) ABOARD AN AIRCRAFT. OJI-CR 425.25; R.C. 2923.12(D).
- (G) PURPOSE TO CARRY. OJI-CR 425.25; R.C. 2923.12(D).

## COMMENT

In all these additional issue situations, it will be necessary to include a special verdict form or finding.

## 11. CONCLUSION. OJI-CR 425.01.

## 12. CONCLUSION WITH AFFIRMATIVE DEFENSE. OJI-CR 425.03.

## COMMENT

The affirmative defenses to carrying concealed weapons are not available with respect to dangerous ordnance, only with respect to weapons other than dangerous ordnance. R.C. 2923.12(C). Dangerous ordnance is defined in R.C. 2923.11(K) and (L).

## 13. CONCLUSION WITH LESSER INCLUDED OFFENSE. OJI-CR 425.09, OJI-CR 425.11.

**CR 523.12 Carrying concealed weapons R.C. 2923.12 (offenses committed on and after 3/21/17) [Rev. 5/22/21]**

1. The defendant is charged with carrying concealed weapons. Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and in \_\_\_\_\_ (County) (*other jurisdiction*), Ohio, the defendant

- (A) knowingly (carried) (had) a (deadly weapon) (handgun) (dangerous ordnance) concealed (on his/her person) (ready at hand).

## COMMENT

R.C. 2923.12(A).

- (B) had been issued a concealed handgun license, was stopped for a law enforcement purpose, was carrying a (loaded) concealed handgun, and

(Use appropriate alternative[s])



(1) failed to promptly inform a law enforcement officer who approached him/her after he/she had been stopped that he/she had been issued a concealed handgun license and that he/she then was carrying a concealed handgun;

**COMMENT**

R.C. 2923.12(B)(1).

The Committee believes a violation under R.C. 2923.12(B)(1) is strict liability due to the fact that the legislature did not include a culpable mental state in this section but did include the culpable mental state of “knowingly” in R.C. 2923.12(B)(2)–(4).

(or)

(2) knowingly failed to keep his/her hands in plain sight at any time after a law enforcement officer began approaching him/her while stopped and before the law enforcement officer left, and his/her failure to keep his/her hands in plain sight was not pursuant to and in accordance with directions given by a law enforcement officer;

**COMMENT**

R.C. 2923.12(B)(2).

(or)

(3) was approached by the law enforcement officer while stopped and knowingly

*(Use appropriate alternative[s])*

(i) (removed) (attempted to remove) the loaded handgun from the holster, pocket, or other place in which he/she was carrying it;

(or)

(ii) (grasped) (held) the loaded firearm;

(or)

(iii) had contact with the loaded handgun by touching it with his/her hands or fingers at any time after the law enforcement officer began approaching and before the law enforcement officer left;

and his/her (removal) (attempt to remove) (grasping) (holding) (contact with) the loaded handgun was not pursuant to and in accordance with directions given by the law enforcement officer;

**COMMENT**

R.C. 2923.12(B)(3).

(or)

(4) knowingly (disregarded) (failed to comply) with a law enforcement officer's (lawful order) (specific order to the defendant to keep the defendant's hands in plain sight) given while the defendant was stopped.

**COMMENT**

R.C. 2923.12(B)(4).

2. **KNOWINGLY.** OJI-CR 417.11; R.C. 2901.22(B).

3. **HAD.** "Had" means possessed.

**COMMENT**

*Booker v. Engle* 532 F.Supp. 386 (S.D.Ohio 1981); *State v. Gibson*, 89 Ohio App.3d 188 (3d Dist.1993); OJI-CR 417.21, interpreting R.C. 2923.13.

4. **POSSESSION.** OJI-CR 417.21; R.C. 2901.21(C)(1).

5. **CONCEALED.** "Concealed" means that the (deadly weapon) (dangerous ordnance) (handgun) was out of sight or so hidden that it could not be seen by ordinary observation by others near enough to see it.

**COMMENT**

This definition was approved in *State v. Galloway*, 9th Dist. Summit No. 23729, 2008-Ohio-114.

6. **NOT TOTALLY HIDDEN (ADDITIONAL).** A weapon need not be totally hidden from observation to be concealed.

**COMMENT**

*State v. Coker*, 15 Ohio App.3d 97 (9th Dist.1984).

7. **READY AT HAND.** "Ready at hand" means so near as to be conveniently accessible and within immediate physical reach. It is a factual determination based upon the location of the weapon, the type of weapon, and the location and configuration of the ammunition. The determination requires more than a simple distance determination.

**COMMENT**

Drawn from *State v. Davis*, 115 Ohio St.3d 360, 2007-Ohio-5025.

8. **DEADLY WEAPON.** Deadly weapon means any instrument, device, or thing capable of inflicting death and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.



**COMMENT**

R.C. 2923.11(A).

9. **KNIFE, RAZOR, OR CUTTING INSTRUMENT (ADDITIONAL).** A deadly weapon does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon.

**COMMENT**

R.C. 2923.12(H), effective 4/12/21.

10. **HANDGUN.** R.C. 2923.11(C).

11. **DANGEROUS ORDNANCE.** R.C. 2923.11(K) and (L).

12. **CONCEALED HANDGUN LICENSE.** R.C. 2923.11(N).

13. **LAW ENFORCEMENT PURPOSE.** “Law Enforcement Purpose” means a purpose with a principal function relating to the enforcement of the criminal laws, including police efforts to prevent, control, or reduce crime or to apprehend criminals; activities in the criminal courts; activities of prosecutors; activities of any state or local agency or part of any state or local agency that is a correction, probation, pardon, or parole authority; and activity involving the use of personal information systems that are comprised of investigatory material compiled for any of these purposes.

**COMMENT**

Drawn from R.C. 1347.04.

14. **LAW ENFORCEMENT OFFICER.** R.C. 2901.01.

15. **AFFIRMATIVE DEFENSES:**

(A) **GENERAL.** OJI-CR 417.27.

(B) **AUTHORIZED PERSONNEL.** R.C. 2923.12(C).

**COMMENT**

R.C. 2923.12(C) creates an exception to the prohibition of R.C. 2923.12(A) and (B). The Committee believes this is an affirmative defense under R.C. 2901.05(D) or in the nature of an affirmative defense and must be treated as such. *See State v. Little*, 8th. Dist. Cuyahoga No. 57033 (Mar. 14, 1991); *State v. Hassell*, 1st Dist. Hamilton No. C-920530 (May 5, 1993).

In *State v. Nucklos*, 121 Ohio St.3d 332, 2009-Ohio-792, the Supreme Court held that “R.C. 2925.03(B) (1) excludes licensed health professionals from being subject to drug-trafficking charges, and the burden of proving the inapplicability of this exclusion rests upon the State. Therefore, to convict a licensed health professional of trafficking in drugs under R.C. 2925.03(A), the State bears the burden of proving

beyond a reasonable doubt the inapplicability of the licensed-health-professional exception in R.C. 2925.03(B)(1) by submitting evidence that the licensed health professional violated statutes or regulations that define the standard of care for dispensing controlled substances.”

The Committee recognizes that this case presents a dilemma for the trial judge as to when to instruct the jury that the state must prove that the exception in the criminal statute does not apply to the defendant. The Committee believes that *Nucklos* should only apply when the defendant’s status or circumstances suggest potential application of an exemption or exception. Compare *State v. Durbin*, 9th Dist. Summit No. 10CA0136-M, 2012-Ohio-301, which holds that the exception is always an element of the offense that the state must prove beyond a reasonable doubt, with *Miamisburg v. Hanson*, 2d Dist. Montgomery No. 26582, 2016-Ohio-964, which disagrees with the holding in *Durbin*.

*(Use appropriate alternative[s])*

(1) The defendant claims that at the time of the alleged offense he/she was (an [officer] [agent] [employee] of the [state of Ohio] [*specify other state*] [the United States]) (a law enforcement officer) authorized to carry a concealed weapon or dangerous ordnance, and was acting within the scope of his/her duties;

**COMMENT**

R.C. 2923.12(C)(1)(a).

*(or)*

(2) The defendant claims that he/she was employed in this state, that he/she was authorized to carry (concealed weapons) (dangerous ordnances) (handguns), that he/she was subject to and in compliance with the requirements of the state firearms requalification program, and that his/her appointing authority had not expressly specified that the statutory exemption did not apply because he/she was not subject to and in compliance with the requirements of the state firearms requalification program;

**COMMENT**

R.C. 2923.12(C)(1)(b).

*(or)*

(3) The defendant claims that his/her firearm was not a (zip-gun) (explosive device) (incendiary device) (ballistic knife) (dangerous ordnance) (explosive) and that the transportation or storage of the firearm in a motor vehicle was for a lawful purpose and the firearm was not on the defendant’s person;

**COMMENT**

R.C. 2923.12(C)(1)(c).



(or)

(4) The defendant claims that his/her firearm was not a (zip-gun) (explosive device) (incendiary device) (ballistic knife) (dangerous ordnance) (explosive) and that the storage or possession of the firearm was for a lawful purpose and was in the defendant's own home.

#### COMMENT

R.C. 2923.12(C)(1)(d).

#### (C) VALID CONCEALED HANDGUN LICENSE OR ACTIVE DUTY ARMED SERVICES MEMBER. R.C. 2923.12(C)(2).

The defendant claims that, at the time of the alleged offense, he/she was (carrying a valid concealed handgun license) (an active duty member of the armed forces of the United States and was carrying a valid military identification card and documentation of successful completion of firearms training that met or exceeded the training requirements for a license to carry a concealed handgun) and that he/she was not knowingly in a place where the carrying of a concealed handgun was prohibited by law.

#### COMMENT

This affirmative defense applies only to violations of R.C. 2923.12(A)(2). R.C. 2923.12(C)(2).

#### (D) LAWFUL PURPOSE.

#### COMMENT

This affirmative defense applies only to violations of R.C. 2923.12(A)(1) and only to a charge of carrying or having control of a weapon other than a handgun or dangerous ordnance. R.C. 2923.12(D).

The defendant claims that at the time of the alleged offense he/she (carried) (had control of) a weapon other than a handgun or dangerous ordnance and that he/she was not otherwise prohibited by law from (carrying) (having control of) the weapon and

*(Use appropriate alternative[s])*

(1) the weapon was (carried) (kept ready at hand) by the defendant for defensive (purposes) (reasons), while he/she was (engaged in) (going to or from) his/her lawful (business) (occupation) which (business) (occupation) was (of such character) (necessarily carried on [in such manner] [at such time or place]) as to render the defendant particularly susceptible to criminal attack, such as would justify a prudent person in going armed;

**COMMENT**

Drawn from R.C. 2923.12(D)(1).

(or)

(2) the weapon was (carried) (kept ready at hand) by the defendant for defensive (purposes) (reasons) while he/she was engaged in a lawful activity, and had reasonable cause to fear a criminal attack upon (himself/herself) (a member of his/her family) (his/her home) such as would justify a prudent person in going armed;

**COMMENT**

Drawn from R.C. 2923.12(D)(2).

(or)

(3) the weapon was (carried) (kept ready at hand) by the defendant for a lawful (purpose) (reason) and while in his/her own home.

**COMMENT**

Drawn from R.C. 2923.12(D)(3).

**(E) DEFINITIONS:**

(1) **LAWFUL.** "Lawful" means not forbidden by law.

(2) **ZIP-GUN.** R.C. 2923.11.

(3) **EXPLOSIVE DEVICE.** R.C. 2923.11.

(4) **INCENDIARY DEVICE.** R.C. 2923.11.

(5) **BALLISTIC KNIFE.** R.C. 2923.11.

(6) **EXPLOSIVE.** R.C. 2923.11.

(7) **REASONABLE CAUSE TO FEAR.** In determining whether the defendant had reasonable cause to fear a criminal attack upon (himself/herself) (a member of his/her family) (his/her home), such as would justify a prudent person in going armed, you must put yourself in the position of the defendant, with his/her characteristics, his/her knowledge or lack of knowledge, and under the circumstances and conditions that surrounded him/her at the time, and determine if a prudent person in the same or similar circumstances as the defendant would be justified in going armed.

**COMMENT**

All of the circumstances at the time of arrest must be considered to determine whether the evidence as established warrants a justification (and therefore legal



excuse) for carrying a concealed weapon as specified in the statute. *State v. Penwell*, 10th Dist. Franklin No. 94APA04-552 (Oct. 18, 1994).

#### 16. ADDITIONAL FINDINGS:

- (A) PRIOR CONVICTION. OJI-CR 425.15; R.C. 2923.12(F).
- (B) LOADED FIREARM OR AMMUNITION READY AT HAND. OJI-CR 425.25. R.C. 2923.12(F).
- (C) DANGEROUS ORDNANCE. OJI-CR 425.25; R.C. 2923.12(F).
- (D) ABOARD AN AIRCRAFT. OJI-CR 425.25; R.C. 2923.12(F).
- (E) PROMPT PRODUCTION OF VALID CONCEALED HANDGUN LICENSE & NOT IN PROHIBITED PLACE. OJI-CR 425.25; R.C. 2923.12(F).
- (F) PREVIOUS ISSUANCE OF CONCEALED HANDGUN LICENSE THAT EXPIRED WITHIN TWO YEARS. OJI-CR 425.25; R.C. 2923.12(F).

#### COMMENT

In all these additional finding situations, it will be necessary to include a special verdict form or finding.

#### 17. CONCLUSION. OJI-CR 425.01.

#### 18. CONCLUSION WITH AFFIRMATIVE DEFENSE. OJI-CR 425.03.

#### COMMENT

The affirmative defenses to carrying concealed weapons are not available with respect to a handgun or dangerous ordnance, only with respect to weapons other than a handgun or dangerous ordnance. R.C. 2923.12(D). Dangerous ordnance is defined in R.C. 2923.11(K) and (L).

#### 19. CONCLUSION WITH LESSER INCLUDED OFFENSE. OJI-CR 425.09, OJI-CR 425.11.

#### CR 523.121 **Illegal possession of firearm in liquor permit premises R.C. 2923.121 (offenses committed on and after 3/21/17 but before 3/29/19) [Rev. 6/27/20]**

1. The defendant is charged with illegal possession of a firearm in liquor permit premises. Before you can find the defendant guilty, you must find beyond a reasonable doubt that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and in \_\_\_\_\_ (County) (*other jurisdiction*), Ohio, the defendant possessed a firearm in (any room) (an open air arena) in which any person was consuming (beer) (intoxicating liquor) in a (*describe premises for which a D permit had been issued under R.C. Chapter 4303*).

#### 2. POSSESSION. OJI-CR 417.21; R.C. 2901.21(C)(1).

3. FIREARM. OJI-CR 417.41; R.C. 2923.11(B)(1).
4. AFFIRMATIVE DEFENSES:
  - (A) GENERAL. OJI-CR 417.27.
  - (B)(1) AUTHORIZED PERSONNEL.

#### COMMENT

R.C. 2923.121(B)(1)(a) and (b).

R.C. 2923.121(B)(1) creates exceptions to the prohibition of R.C. 2923.121(A). The Committee believes these are affirmative defenses under R.C. 2901.05(D) or in the nature of affirmative defenses and must be treated as such. *See State v. Little*, 8th

(Text continued on page 173)



# INDEX

[References are to civil (CV) and criminal (CR) instruction numbers.]

## A

### ABDUCTION

Generally . . . CR 505.02

### ABORTION OFFENSES

Definitions . . . CR 519.171

Eighteen years of age, performance of abortion on woman under . . . CR 519.12(B)

Falsification report . . . CR 519.171

Manslaughter, abortion . . . CR 519.13(A); CR 519.13(B)

Parent or guardian notification, failure to provide . . . CR 519.12(B)

Report falsification . . . CR 519.171

Trafficking . . . CR 519.14

Unlawful abortion

Generally . . . CR 519.12(A)

Parent or guardian notification, failure to provide . . . CR 519.12(B)

Partial birth . . . CR 519.151

Viability

Termination or attempted termination of pregnancy after . . . CR 519.17

Testing for, failure to perform . . . CR 519.18

Woman under 18 . . . CR 519.12(B); CR 519.121

### ABUSE AND NEGLECT

Battered person syndrome . . . CR 417.43

Child abuse (See CHILD ABUSE AND NEGLECT)

Patient abuse and neglect

Generally . . . CR 503.34

False complaint, filing of . . . CR 503.35

### ABUSE OF PROCESS

Generally . . . CV 435.01

Defined . . . CV 435.01

### ACCELERANT

Use of accelerant to initiate or increase growth or spread of fire . . . CR 541.1425

### ACCOMPLICES

Generally . . . CR 523.03

Testimony . . . CR 409.17

### ACCORD AND SATISFACTION

Affirmative defense in contract claim, as . . . CV 501.25

### ADDITIONAL ELEMENTS

Finding of; concluding instructions . . . CR 425.25

### ADMONITIONS TO JURY

Generally . . . CV 301.07

Sample instructions . . . CR 205.03; CV 205.03

### ADULT

Defined . . . CR 521.32(A); CR 521.32(B)

### ADULTERY

Proof of . . . CV 701.05

### ADVERSE POSSESSION

Generally . . . CV 601.03

### ADVISORY INSTRUCTIONS

Generally . . . CR 101.57; CV 101.57

### ADVISORY JURIES

Generally . . . CR 101.37; CV 101.37

### AGENCY LIABILITY

Contracts . . . CV 423.01

Independent contractors . . . CV 423.07

Issues regarding negligence, presentation of (See NEGLIGENCE, subhead: Issues, presentation of)

Joint ventures . . . CV 423.05

Medical negligence by agents or employees of physicians . . . CV 417.11

Surety's liability on bond of agent . . . CV 513.01

Torts . . . CV 423.03

### AGGRAVATING CIRCUMSTANCES

Damages, acceleration or aggravation of condition . . . CV 315.15

Specification in concluding instructions . . . CR 425.27

### AID OR ABET

Escape (See ESCAPE, subhead: Aiding of)

Identity fraud . . . CR 513.49

### AIRCRAFT-AIRPORT OPERATIONS

Endangering . . . CR 509.08

### ALCOHOL OFFENSES

Firearm possession in liquor permit premises, illegal . . . CR 523.121

Insurance policy intoxication exclusion . . . CV 709.39

Intoxication (See INTOXICATION)

Liability for service of intoxicants (See INTOXICANTS, subhead: Liability for service of)

Traffic offenses

Insurance policy intoxication exclusion . . . CV 709.39

Operating under influence of alcohol or drugs

Generally . . . CR 711.19

Felony OVI specification . . . CR 541.1413

Physical control of vehicle while under influence . . . CR 711.194

Prohibited alcohol or drug concentration, operating with . . . CR 711.19(A)(1)(b)-(j)

Refusal to submit to chemical test . . . CR 711.19(A)(2)

Physical control of vehicle while under influence . . . CR 711.194

Prohibited alcohol concentration, operating with Generally . . . CR 711.19(A); CR 711.19(A)(1)(b)-(j)

Defendant under 21 . . . CR 711.19(B)

Wrongful entrustment of motor vehicle . . . CR 711.203

Watercraft and waterways violations

Defendant under 21 years of age operating vessel with prohibited alcohol concentration . . . CR 547.11(B)



[References are to civil (CV) and criminal (CR) instruction numbers.]

**ALCOHOL OFFENSES—Cont.****Watercraft and waterways violations—Cont.**

- Operating vessel under influence of alcohol or drugs . . . CR 547.11(A)(1)
- Prohibited alcohol or drug concentration, operating vessel with . . . CR 547.11(A)(2)-(6)

**ALIBI**

- Defense of . . . CR 421.03

**ALTERNATIVE COUNTS**

- Concluding instructions . . . CR 425.13

**ANHYDROUS AMMONIA**

- Theft . . . CR 513.02

**ANIMALS**

- Bestiality . . . CR 559.21
- Companion animals, cruelty to . . . CR 559.131
- Cruelty to companion animals . . . CR 559.131
- Dogs
  - Generally (See DOGS)
  - Police dog or horse (See subhead: Police dog or horse)
- Drugs for, trafficking in . . . CR 525.09(B)
- Escape of animals, duty to report . . . CR 527.21
- Exotic animals, crimes related to . . . CR 551.13
- Fighting
  - Generally . . . CR 559.15
  - Dog fighting . . . CR 559.03
- Liability for
  - Affirmative defenses . . . CV 409.03
  - Dog owners . . . CV 409.01
  - Domestic animals, owners of . . . CV 409.07
  - Wild animals, owners of . . . CV 409.05
- Police dog or horse
  - Assaulting . . . CR 521.321(A)
  - Definition . . . CR 521.321(A); CR 521.321(B)
  - Harassing . . . CR 521.321(B)
  - Theft . . . CR 513.02
- Wildlife violations (See WILDLIFE VIOLATIONS)

**APPEAL ON INSTRUCTIONS**

- Generally . . . CR 101.15; CV 101.15
- Error, based on . . . CR 101.17; CV 101.17
- Prejudice, based on . . . CR 101.17; CV 101.17

**ARREST**

- Definition . . . CR 521.33
- False arrest . . . CV 441.01
- Impersonation of officer during . . . CR 521.51(C)
- Resisting . . . CR 521.33

**ARSON**

- Generally . . . CR 509.03
- Aggravated . . . CR 509.02
- Insurance claims . . . CV 709.11
- Registry of offenders . . . CR 509.15

**ASSAULT**

- Aggravated
  - Generally . . . CR 503.12
  - Vehicular assault . . . CR 503.08
- Assistance dogs . . . CR 521.321(C)
- Civil assault . . . CV 429.01

**ASSAULT—Cont.**

- Criminal assault . . . CR 503.13
- Felonious . . . CR 503.11(A); CR 503.11(B)
- Negligent . . . CR 503.14
- Police dog or horse, of . . . CR 521.321(A)
- Vehicular . . . CR 503.08

**ASSISTANCE DOGS (See DOGS)****ATTEMPT TO COMMIT CRIME**

- Generally . . . CR 523.02

**ATTORNEYS**

- Fees in damage claims . . . CV 315.39
- Intimidation of . . . CR 521.04
- Professional negligence generally (See PROFESSIONAL NEGLIGENCE)
- Self-representation by defendant . . . CR 401.03

**AUDIOTAPES**

- Evidence, as . . . CR 409.29

**AUTOMOBILES AND OTHER MOTOR VEHICLES**

- Accident, leaving scene of
  - Generally . . . CR 749.02
  - Damage to property of others, involving . . . CR 749.03
  - Exchange of identity and vehicle registration, duty to provide . . . CR 749.02
  - Nonpublic road accident . . . CR 749.021
- Alcohol offenses
  - Traffic offenses (See ALCOHOL OFFENSES, subhead: Traffic offenses)
  - Watercraft and waterways violations (See ALCOHOL OFFENSES, subhead: Watercraft and waterways violations)
- Assault, vehicular . . . CR 503.08
- Certificate of title, theft value . . . CR 425.23
- Damages for damage or loss . . . CV 315.19
- Driver's license offenses (See DRIVER'S LICENSE OFFENSES)
- Firearms in, improper handling of . . . CR 523.16
- Governmental liability for negligent operation of motor vehicle . . . CV 425.01
- Homicide, vehicular (See VEHICULAR HOMICIDE)
- Illuminating devices, failure to use . . . CV 411.71
- Insurance policy intoxication exclusion . . . CV 709.39
- Leaving scene of accident (See subhead: Accident, leaving scene of)
- Lemon Law . . . CV 529.01
- License offenses (See DRIVER'S LICENSE OFFENSES)
- License plate or placard, theft value . . . CR 425.23
- Lights, failure to display . . . CV 411.71
- Livery, defrauding of . . . CR 513.41
- Manufacturer's or importer's certificate form, theft value . . . CR 425.23
- Minor, operation by . . . CV 407.09
- Negligence involving (See NEGLIGENCE, subhead: Automobile negligence)
- Nitrous oxide, possession in motor vehicle of . . . CR 525.33



[References are to civil (CV) and criminal (CR) instruction numbers.]

## **AUTOMOBILES AND OTHER MOTOR VEHICLES—Cont.**

- Nonconforming motor vehicles (Lemon Law) . . . CV 529.01
- Non-traffic offenses
  - Illuminating devices, failure to use . . . CV 411.71
  - Lights, failure to display . . . CV 411.71
  - Unsafe vehicle, operation of . . . CV 411.69
- Plate or placard, theft value . . . CR 425.23
- Reasonable control of vehicle . . . CV 411.15
- Signal for stop, failure to obey . . . CR 749.01
- Theft . . . CR 513.02
- Title, theft value . . . CR 425.23
- Traffic offenses
  - Generally (See **TRAFFIC OFFENSES**)
  - Alcohol-related (See **ALCOHOL OFFENSES**, subhead: Traffic offenses)
  - Non-traffic (See subhead: Non-traffic offenses)
- Unauthorized use . . . CR 513.03
- Unsafe vehicle, operation of . . . CV 411.69
- Vehicle identification numbers, tampering with
  - Generally . . . CR 749.62(A)
  - Counterfeit VINs . . . CR 749.62(C)
  - Owner's VIN . . . CR 749.62(B)
  - Possessing or dealing in tampered vehicles . . . CR 749.62(D)
- Vehicular assault . . . CR 503.08
- Vehicular homicide (See **VEHICULAR HOMICIDE**)
- Willful or wanton disregard of safety of persons or property, operation in . . . CV 411.13
- Windshield sticker, theft value . . . CR 425.23
- Wrongful entrustment of motor vehicle . . . CR 711.203

## **B**

### **BAD CHECKS**

- Passing of . . . CR 513.11

### **BAIL**

- Bailments (See **BAILMENTS**)
- Bond agent practices, illegal
  - Misrepresentation . . . CR 527.27(B)
  - Reckless apprehension . . . CR 527.27(A)

### **BAILMENTS**

- Agreement, by
  - Generally . . . CV 629.01
  - Prima facie case . . . CV 629.03
- Care, duty of . . . CV 629.01
- Defined . . . CV 629.01
- Return, duty of . . . CV 629.01

### **BATTERED PERSON SYNDROME**

- Defined . . . CR 417.43

### **BATTERY**

- Generally . . . CV 429.03
- Sexual . . . CR 507.03

### **BIGAMY**

- Generally . . . CR 519.01

### **BINGO GAMES (See GAMBLING)**

### **BIOLOGICAL WEAPONS**

- Illegal assembly or possession of chemicals or substances for manufacturing of . . . CR 509.28
- Possession . . . CR 509.26
- Use, knowing or reckless . . . CR 509.27

### **BLACKOUT OR COMA (See COMA OR BLACK-OUT)**

### **BLOOD SUPPLY**

- Contaminated blood, selling or donation of . . . CR 527.13

### **BOATS (See VESSELS)**

### **BODY ARMOR**

- Specifications
  - Generally . . . CR 541.1411
  - Wearing of during commission of felony; concluding instructions . . . CR 425.19
- Wearing of during commission of felony; specification in concluding instructions . . . CR 425.19

### **BONDS**

- Bail bonds (See **BAIL**)
- Sureties (See **SURETIES**)

### **BRANDISH**

- Definition . . . CR 521.33

### **BREAKING AND ENTERING**

- Land . . . CR 511.13(B)
- Structure . . . CR 511.13(A)

### **BRIBERY**

- Generally . . . CR 521.02
- Solicitation by public official, improper (See **SOLICITATION**, subhead: Compensation by public official, improper)

### **BROKERS**

- Abandonment by . . . CV 605.07
- Both parties, effect of acting for . . . CV 605.03
- Commission, recovery of . . . CV 605.01
- Damages by . . . CV 605.09
- Duty to seller, broker's . . . CV 605.09
- Failure of transaction . . . CV 605.05

### **BURDEN OF PROOF**

- Generally . . . CR 405.05; CV 303.03
- Adultery . . . CV 701.05
- Affirmative defenses . . . CR 417.27
- Final instructions, sample . . . CR 207.11; CV 207.03
- Insanity defense . . . CR 421.29
- Insurance (See **INSURANCE**)
- Negligence defense (See **NEGLIGENCE**, subhead: Burden of proof of defenses)
- Paternity claim
  - Defendant as presumed father . . . CV 705.05
  - Non-defendant as presumed father . . . CV 705.03
- RICO offenses
  - Acquiring or maintaining interest in enterprise or real property . . . CV 445.09



[References are to civil (CV) and criminal (CR) instruction numbers.]

**BURDEN OF PROOF—Cont.****RICO offenses—Cont.**

Conducting or participating in affairs of enterprise . . . CV 445.03

Conspiracy to engage in pattern of corrupt activity or collection of unlawful debt . . . CV 445.21

Use or investment of proceeds in acquisition of real property, or establishment or operation of enterprise . . . CV 445.15

Support claim, in . . . CV 701.03

Will contests . . . CV 633.01

**BURGLARY**

Aggravated . . . CR 511.11

Post-9/30/2011, offenses committed . . . CR 511.12

Pre-9/30/2011, offenses committed . . . CR 511.12

Trespass in habitation when person present or likely to be present . . . CR 511.12(B)

**BURIAL SITES**

Vandalism . . . CR 509.05(D)

**BURN INJURIES**

Failure to report . . . CR 521.22(E)

**BUSINESS RELATIONSHIPS**

Tortious interference with . . . CV 453.01

**C****CABARET, ADULT**

Employee, illegal acts of . . . CR 507.53(C)

Illegally operating . . . CR 507.40(B)

Owner or operator, illegal acts of . . . CR 507.53(B)

Permit, operation without . . . CR 507.53(A)

**CABLE TELEVISION SERVICES**

Theft of . . . CR 513.02

**CABLE THEFT**

Unauthorized device, possession or sale of . . . CR 513.041

Unauthorized use of cable, failure to report . . . CR 521.22(A)

**CALUMNY**

Defined . . . CR 521.04

**CAPACITY**

Will, making of . . . CV 633.03

**CASINOS**

Gambling-related crimes . . . CR 515.15

**CAUSATION**

Generally . . . CR 417.23

Intervening causes . . . CR 417.25

Natural consequences, responsibility for . . . CR 417.23

Other causes as defense . . . CR 417.25

Proximate cause

Negligent acts (See NEGLIGENCE)

Sample final instructions . . . CV 207.19

RICO offenses

Acquiring or maintaining interest in enterprise or real property . . . CV 445.13

**CAUSATION—Cont.****RICO offenses—Cont.**

Conducting or participating in affairs of enterprise . . . CV 445.07

Conspiracy to engage in pattern of corrupt activity or collection of unlawful debt . . . CV 445.25

Use or investment of proceeds in acquisition of real property, or establishment or operation of enterprise . . . CV 445.19

**CAUTIONARY INSTRUCTIONS**

Generally . . . CR 101.57; CV 101.57

**CEMETERIES**

Vandalism . . . CR 509.05(C)

**CHECKS**

Bad checks, passing of . . . CR 513.11

Theft, value . . . CR 425.23

**CHEMICAL TESTS**

Operating under influence of alcohol or drugs with refusal to submit to . . . CR 711.19(A)(2)

**CHEMICAL WEAPONS**

Illegal assembly or possession of chemicals or substances for manufacturing of . . . CR 509.28

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

**CHILD ABUSE AND NEGLECT**

Failure of person acting in official or professional capacity to report known or suspected

Generally . . . CV 407.25

Cleric or church leader . . . CV 407.27

False report, making of . . . CR 521.14

Parental education neglect . . . CR 519.222

Permitting . . . CR 503.15

Sexual abuse . . . CR 519.22

**CHILDREN (See also MINORS)**

Abortion performed on woman under 18, unlawful . . . CR 519.12(B); CR 519.121

Abuse or neglect (See CHILD ABUSE AND NEGLECT)

Administrator, action against parents by . . . CV 407.17

Care provider

Death or serious injury of child, failure to disclose . . . CR 519.225

Misrepresentation by . . . CR 519.224

Cigarettes, illegal distribution of . . . CR 527.02(B)(1) *et seq.*

Consortium (parent-child), loss of . . . CV 315.03

Custody, interference with (See CUSTODY, INTERFERENCE WITH)

Damages for child

Generally . . . CV 407.23

Consortium (parent-child), loss of . . . CV 315.03

Earnings, loss of . . . CV 407.21

Emancipation, effect of . . . CV 407.21

Inclusion or exclusion in damages for parent . . . CV 315.27

Negligence by parent, effect of . . . CV 407.17



[References are to civil (CV) and criminal (CR) instruction numbers.]

### CHILDREN (See also MINORS)—Cont.

- Delinquency or unruliness, contributing to (See JUVENILE DELINQUENCY, subhead: Contributing to delinquency or unruliness)
- Duty of parents . . . CV 407.15
- Earnings, recovery for loss of . . . CV 407.21
- Emancipation . . . CV 407.21
- Endangerment . . . CR 519.22
- Enticement, criminal . . . CR 505.05
- Family offenses (See FAMILY OFFENSES)
- Injury to, award for . . . CV 407.23
- Miscarriage, damages . . . CV 315.07
- Motor vehicle, operation of . . . CV 407.09
- Negligence (See NEGLIGENCE, subhead: Children, actions by or involving)
- Ordinary care of or by (See NEGLIGENCE, subhead: Ordinary care)
- Paternity claim, exhibiting of child in . . . CV 705.09
- Permanent disabling harm to victim under age ten . . . CR 541.1426
- Safety of child, care for . . . CV 407.01
- Schools (See SCHOOLS)
- Sex offenses involving (See SEX OFFENSES)
- Sexual abuse . . . CR 519.22
- Statutory violations by . . . CV 407.07
- Stealing of child . . . CR 505.04
- Stillbirth, damages . . . CV 315.07
- Support claims (See CHILD SUPPORT)
- Tobacco products, illegal distribution of . . . CR 527.02(B)(1) *et seq.*
- Tort of child, liability of parents for . . . CV 407.19
- Under age ten, permanent disabling harm to victim . . . CR 541.1426
- Unruliness, contributing to (See JUVENILE DELINQUENCY, subhead: Contributing to delinquency or unruliness)

### CHILD SUPPORT

- Interference with issuance or modification of support order . . . CR 519.231
- Nonsupport, claim for
  - Generally . . . CR 519.21(A); CR 519.21(B)
  - Contributing to nonsupport of dependents . . . CR 519.21(C)

### CIGARETTES, ILLEGAL DISTRIBUTION OF (See TOBACCO PRODUCTS, ILLEGAL DISTRIBUTION OF)

### CIRCUMSTANTIAL EVIDENCE

- Defined . . . CR 409.01; CV 305.01

### CIVIL CONSPIRACY

- Plaintiff's claim . . . CV 443.01

### CIVIL RIGHTS

- Deprivation of . . . CV 713.01
- Interference with . . . CR 521.45

### CIVIL RULES

- General instructions . . . CV 101.45

### CLEAR AND CONVINCING EVIDENCE

- Generally . . . CV 303.07

### CLOSING INSTRUCTIONS

- Alternate jurors . . . CR 425.39; CV 317.05
- Common closing remarks . . . CR 425.35; CV 317.03
- Final instructions (See FINAL INSTRUCTIONS)
- Introductory instructions . . . CV 317.01
- Sample final instructions . . . CV 207.39

### CLOSING REMARKS

- Final instructions, sample . . . CR 207.31; CV 207.35

### COERCION

- Generally . . . CR 505.12

### COIN MACHINES, TAMPERING WITH

- Generally . . . CR 511.32

### COMA OR BLACKOUT

- Acts committed while in . . . CR 417.07
- Negligence, excuse for
  - Generally . . . CV 401.21
  - Affirmative defenses for automobile negligence . . . CV 411.73

### COMMISSIONS AND FEES

- Broker's commission, recovery of . . . CV 605.01

### COMMON CARRIERS, NEGLIGENCE BY

- Generally . . . CV 401.35
- Highest degree of care . . . CV 401.37

### COMMON LAW MARRIAGE

- Determination of . . . CV 701.15

### COMPANION ANIMALS

- Cruelty to . . . CR 559.131

### COMPARATIVE FAULT

- Interrogatories on future damages
  - One defendant
    - Not required . . . CV 403.01
    - Required . . . CV 403.05
  - Two or more defendants
    - Not required . . . CV 403.03
    - Required . . . CV 403.07

### COMPARATIVE NEGLIGENCE

- Children, duty of parents in actions by or involving . . . CV 407.15
- Comparative fault (See COMPARATIVE FAULT)
- Conclusions
  - One plaintiff, one defendant . . . CV 406.01
  - Two or more defendants
    - Without plaintiff negligence . . . CV 406.03
    - With plaintiff negligence . . . CV 406.05
- Fault, comparative (See COMPARATIVE FAULT)
- Interrogatories on future damages
  - Comparative fault (See COMPARATIVE FAULT)
  - Failure to answer; instructions during deliberations . . . CV 319.07
  - One defendant
    - Not required . . . CV 403.01
    - Required . . . CV 403.05
  - Two or more defendants
    - Not required . . . CV 403.03
    - Required . . . CV 315.11; CV 403.07



[References are to civil (CV) and criminal (CR) instruction numbers.]

### COMPARATIVE NEGLIGENCE—Cont.

Issues regarding negligence, presentation of (See NEGLIGENCE, subhead: Issues, presentation of)

Last clear chance as element . . . CV 403.13

One defendant

Generally . . . CV 403.01

Conclusions . . . CV 406.01

Interrogatories (See subhead: Interrogatories on future damages)

Proximate cause (See PROXIMATE CAUSE)

Rescue or attempted rescue of another . . . CV 403.11

Risk, assumption of . . . CV 403.09

Two or more defendants

Generally . . . CV 403.03

Conclusions

Without plaintiff negligence . . . CV 406.03

With plaintiff negligence . . . CV 406.05

Interrogatories (See subhead: Interrogatories on future damages)

### COMPETENCE OF WITNESSES

Paternity claim, parties in . . . CV 705.11

Questioned competence of; instructions during trial . . . CV 309.21

### COMPLAINTS, FILING OF FALSE (See FALSE COMPLAINTS, FILING OF)

### COMPLICITY

Generally . . . CR 523.03

Specifications

Generally . . . CR 541.01

Firearms

One year . . . CR 541.141

Three year . . . CR 541.145

### COMPOUNDING OF CRIME

Generally . . . CR 521.21

### COMPUTER USE

Denial of access . . . CR 513.81

Unauthorized use

Generally . . . CR 513.04

Failure to report . . . CR 521.22(A)

### CONCEALMENT OF ASSETS

Generally . . . CV 447.01

### CONCLUDING INSTRUCTIONS

Generally . . . CR 101.59; CR 425.01; CV 101.59

Affirmative defense . . . CR 425.03; CV 313.05

Negligence conclusions (See NEGLIGENCE, subhead: Conclusions)

One plaintiff, one defendant

Generally . . . CV 313.01

Negligence conclusions . . . CV 406.01

Two or more defendants

Generally . . . CV 313.03

Negligence conclusions

Without plaintiff negligence . . . CV 406.03

With plaintiff negligence . . . CV 406.05

### CONFIDENTIAL INFORMATION

Disclosure of . . . CR 521.24

### CONSCIOUSNESS OF GUILT

Evidence of . . . CR 409.13

### CONSENT AGREEMENTS

Violation of . . . CR 519.27

### CONSORTIUM, LOSS OF

Damages . . . CV 315.03

### CONSPIRACY

Generally . . . CR 523.01

Civil conspiracy; plaintiff's claim . . . CV 443.01

RICO offenses (See RICO OFFENSES, subhead: Conspiracy to engage in pattern of corrupt activity or collection of unlawful debt)

### CONSUMER SALES PRACTICES ACT

Generally . . . CV 521.01

Rebates or discounts, illegal . . . CV 521.03

Title insurance agents, violations by . . . CV 525.21

### CONTAMINATION

Blood, selling or donation of contaminated . . . CR 527.13

False report, spreading of . . . CR 527.24(C)

Human consumption items, of . . . CR 527.24(B)

### CONTRACTS

Acceptance . . . CV 501.05

Accord and satisfaction as affirmative defense . . . CV 501.25

Affirmative defenses

Accord and satisfaction . . . CV 501.25

Duress . . . CV 501.29

Frustration of purpose . . . CV 501.15

Impracticability

Generally . . . CV 501.17

Government action, due to . . . CV 501.19

Mistake of fact

Mutual . . . CV 501.11

Unilateral . . . CV 501.13

Payment . . . CV 501.23

Prevention of performance . . . CV 501.21

Satisfaction . . . CV 501.23; CV 501.25

Waiver . . . CV 501.27

Agency liability

Generally . . . CV 423.01

Independent contractors (See AGENCY LIABILITY, subhead: Independent contractors)

Bailments (See BAILMENTS)

Damages

Expectation . . . CV 501.33

Reliance . . . CV 501.35

Defined . . . CV 501.03

Duress as affirmative defense . . . CV 501.29

Employment (See EMPLOYMENT RELATIONS, subhead: Contracts)

Express contracts . . . CV 501.03

Formation of contract . . . CV 501.03

Frustration of purpose as affirmative defense . . . CV 501.15

Government action, impracticability due to; affirmative defense . . . CV 501.19

Implied contract . . . CV 501.03



[References are to civil (CV) and criminal (CR) instruction numbers.]

## CONTRACTS—Cont.

- Impracticability as affirmative defense
  - Generally . . . CV 501.17
  - Government action, impracticability due to . . . CV 501.19
- Intent of parties . . . CV 501.07
- Interference with contractual relationship, tortious . . . CV 453.03
- Interpretation of contract . . . CV 501.07
- Mistake of fact
  - Affirmative defense, as
    - Mutual mistake . . . CV 501.11
    - Unilateral mistake . . . CV 501.13
  - Mistake/implied in fact contract . . . CV 501.39
- Modification of contract . . . CV 501.09
- Offer and acceptance . . . CV 501.05
- Payment as affirmative defense . . . CV 501.23
- Plaintiff, claim by . . . CV 501.01
- Prevention of performance as affirmative defense . . . CV 501.21
- Promissory estoppel . . . CV 501.31
- Public contract, unlawful interest in . . . CR 521.42
- Quantum meruit . . . CV 501.39
- Rescission and restitution . . . CV 501.37
- Sale of goods (See SALE OF GOODS, CONTRACTS FOR (U.C.C.))
- Satisfaction as affirmative defense . . . CV 501.23; CV 501.25
- Suretyship contracts, strict construction of . . . CV 513.03
- Tortious interference with contractual relationship . . . CV 453.03
- Uniform Commercial Code, contracts for sale of goods under (See SALE OF GOODS, CONTRACTS FOR (U.C.C.))
- Unjust enrichment, recovery for . . . CV 501.39
- Waiver as affirmative defense . . . CV 501.27

## CONTROLLED SUBSTANCES OFFENSES (See DRUG OFFENSES)

## CONVERSION

- Abandonment, defense of . . . CV 625.07
- Accrual of action . . . CV 625.03
- Defined . . . CV 625.01
- Mortgagee, by . . . CV 625.05

## CORPSE, ABUSE OF

- Generally . . . CR 527.01

## CORRUPT ACTIVITIES

- Engaging in pattern of . . . CR 523.32(A)(1); CR 523.32(A)(2); CR 523.32(A)(3)
- RICO (See RICO OFFENSES)

## COUNTERCLAIM

- Submission of . . . CV 311.07

## COUNTERFEITING

- Controlled substances . . . CR 525.37
- Trademarks . . . CR 513.34
- Vehicle identification numbers . . . CR 749.62(C)

## CREDIBILITY

- Generally . . . CR 409.05; CV 305.05

## CREDIBILITY—Cont.

- Sample final instructions . . . CR 207.05; CV 207.11

## CREDIT CARDS

- Misuse of . . . CR 513.21
- Theft, value . . . CR 425.23

## CREDITORS

- Defrauding of . . . CR 513.45
- Extortionate extension of credit . . . CR 505.22

## CRIMINAL RECORD INFORMATION

- Misuse of . . . CR 527.22

## CRIMINAL RULES

- General instructions . . . CR 101.45

## CUSTODY, INTERFERENCE WITH

- Generally . . . CR 519.23(A)
- Removal of child . . . CR 519.23(B)
- Stealing of child . . . CR 505.04

# D

## DAMAGES

- Acceleration or aggravation of condition . . . CV 315.15
- Alcoholic beverages, service of
  - Generally . . . CV 413.11
  - Civil Damages Act, under . . . CV 413.07
- Annuity cost in claim for future damages . . . CV 315.13
- Attorneys' fees, reasonable . . . CV 315.39
- Automobile damage or loss . . . CV 315.19
- Broker's liability for . . . CV 605.09
- Child, damages for (See CHILDREN, subhead: Damages for child)
- Comparative negligence actions, interrogatories in (See COMPARATIVE NEGLIGENCE, subhead: Interrogatories on future damages)
- Compensatory damages
  - Nuisance . . . CV 621.13
  - Wrongful death . . . CV 315.49
- Consortium, loss of . . . CV 315.03
- Contract claims
  - Expectation damages . . . CV 501.33
  - Reliance damages . . . CV 501.35
- Criminal act, civil remedy for personal injuries resulting from . . . CV 455.01
- Defamation . . . CV 431.07
- Discrimination, employment . . . CV 533.25
- Earnings, loss of
  - Generally . . . CV 315.17
  - Minor, recovery by . . . CV 407.21
- Eminent domain actions, loss of value of remaining land in . . . CV 609.09
- Fraud . . . CV 449.15
- Future damages
  - Income tax considerations . . . CV 315.45
  - Interrogatories in comparative negligence actions (See COMPARATIVE NEGLIGENCE, subhead: Interrogatories on future damages)
  - Present value of . . . CV 315.45



[References are to civil (CV) and criminal (CR) instruction numbers.]

**DAMAGES—Cont.****Future damages—Cont.**

Tort actions based on claim for (See subhead: Tort actions based on claim for future damages)

Governmental liability . . . CV 425.15

Guarantees, actions involving . . . CV 509.07

Income tax considerations on future damages . . . CV 315.45

Intentional tort claims; allocation of damages, multiple defendants, interrogatories required

Generally . . . CV 429.09

Other tortious conduct claims, with . . . CV 429.11

**Interrogatories**

Comparative negligence actions, in (See COMPARATIVE NEGLIGENCE, subhead: Interrogatories on future damages)

Intentional tort claims; allocation of damages, multiple defendants, interrogatories required

Generally . . . CV 429.09

Other tortious conduct claims, with . . . CV 429.11

Joinder, denial of . . . CV 315.27

Joint trial of separate claims . . . CV 315.31

Limitation on recovery . . . CV 315.27

Loss of use . . . CV 315.21

Mathematic formula for . . . CV 315.05

Medical expenses, limitation to . . . CV 315.27

Miscarriage . . . CV 315.07

Mitigation, duty of . . . CV 315.51

Mobile home park claims (See MOBILE HOME PARKS)

Mortality table, use of . . . CV 315.43

**Multiple defendants**

Generally . . . CV 315.33

Intentional tort claims; allocation of damages, interrogatories required

Generally . . . CV 429.09

Other tortious conduct claims, with . . . CV 429.11

Negligence actions (See NEGLIGENCE)

Nominal damages . . . CV 315.53

Nuisance, compensatory damages for . . . CV 621.13

**Personal injury**

Generally . . . CV 315.01

Criminal act, civil remedies for injuries resulting from . . . CV 455.01

Final instructions sample . . . CV 207.21

Joint trial of separate claims . . . CV 315.31

Tort actions . . . CV 315.01

**Personal property damage or loss**

Generally . . . CV 315.19

Automobiles . . . CV 315.19

Market value, property without . . . CV 315.23

Product liability . . . CV 451.21

Punitive damages in tort actions on claims . . . CV 315.37

Quotient verdicts . . . CV 315.41

Real property, damage to . . . CV 315.35

Residential lending practices . . . CV 525.19

**RICO offenses**

Acquiring or maintaining interest in enterprise or real property . . . CV 445.13

**DAMAGES—Cont.****RICO offenses—Cont.**

Conducting or participating in affairs of enterprise . . . CV 445.07

Conspiracy to engage in pattern of corrupt activity or collection of unlawful debt . . . CV 445.25

Use or investment of proceeds in acquisition of real property, or establishment or operation of enterprise . . . CV 445.19

Sale of goods, contracts for (See SALE OF GOODS, CONTRACTS FOR (U.C.C.))

Separate claims, joint trial of . . . CV 315.31

Spouse's damages, inclusion or exclusion of . . . CV 315.27

Stillbirth . . . CV 315.07

Subrogation . . . CV 315.25

Substantial defined . . . CV 315.37

**Tort actions**

Business relationship, tortious interference with . . . CV 453.01

Contractual relationship, tortious interference with . . . CV 453.03

Future damages (See subhead: Tort actions based on claim for future damages)

Inheritance, tortious interference with expectancy of . . . CV 453.07

Intentional tort claims; allocation of damages, multiple defendants, interrogatories required

Generally . . . CV 429.09

Other tortious conduct claims, with . . . CV 429.11

Personal injury . . . CV 315.01

Punitive damages on claims . . . CV 315.37

Tort actions based on claim for future damages

Annuity, cost of . . . CV 315.13

One defendant; periodic payments in non-comparative negligence tort actions . . . CV 315.09

Two defendants with interrogatories; periodic payments in comparative negligence tort actions . . . CV 315.11

Wrongful death, compensatory damages for . . . CV 315.49

**DAMAGING OR ENDANGERING**

Criminal . . . CR 509.06

**DEADLOCKED JURY**

Generally . . . CR 429.09; CV 319.07

**DEADLY WEAPON (See WEAPONS, DANGEROUS)****DEATH**

Knowledge of, failure to report . . . CR 521.22(C); CR 521.22(D)

Wrongful (See WRONGFUL DEATH)

**DEFAMATION**

Business relationship, tortious interference with . . . CV 453.01

Contractual relationship, tortious interference with . . . CV 453.03

Damages . . . CV 431.07



[References are to civil (CV) and criminal (CR) instruction numbers.]

## DEFAMATION—Cont.

- Employment relations, tortious interference with . . . CV 453.05
- Private figures
  - Labor dispute involved or qualified privilege applying . . . CV 431.05
  - Public and private issues, involving . . . CV 431.03
- Public figures . . . CV 431.01
- Public officials . . . CV 431.01

## DEFENDANTS (GENERALLY)

- Believe, reasonable cause to . . . CR 417.37
- Comparative negligence claims (See COMPARATIVE NEGLIGENCE, subheads: One defendant; Two or more defendants)
- Interrogation of defendant . . . CR 409.09
- Multiple defendants
  - General instruction . . . CV 311.03
  - Concluding instructions . . . CR 425.05
  - Damage claims . . . CV 315.33
  - Intentional tort claims; allocation of damages, interrogatories required
    - Generally . . . CV 429.09
    - Other tortious conduct claims, with . . . CV 429.11
  - Weighing of evidence from . . . CR 409.15
- Reasonable cause to believe . . . CR 417.37
- Self-representation . . . CR 401.03
- Testimony, refusal or inability to give . . . CR 207.15; CR 409.07

## DEFENSES

- Accident . . . CR 421.01
- Affirmative defenses
  - Generally . . . CR 417.27
  - Automobile negligence . . . CV 411.73
  - Burden of proof (See BURDEN OF PROOF)
  - Concluding instructions . . . CR 425.03; CV 313.05
  - Contract claims (See CONTRACTS, subhead: Affirmative defenses)
  - Discrimination in employment
    - Generally . . . CV 533.21
    - Business necessity . . . CV 533.09
  - Eviction from mobile home park . . . CV 613.11
  - Guarantees, actions involving . . . CV 509.05
  - Product liability . . . CV 451.19
  - Sample final instructions . . . CR 207.19
- Alibi . . . CR 421.03
- Anger as defense to homicide . . . CR 421.11
- Animals, liability for . . . CV 409.03
- Automobile negligence, affirmative defenses for . . . CV 411.73
- Battered person syndrome . . . CR 417.43
- Character . . . CR 421.05
- Concealment of assets . . . CV 447.01
- Contract claims, affirmative defenses in (See CONTRACTS, subhead: Affirmative defenses)
- Conversion, abandonment as defense to . . . CV 625.07
- Defense of another, tests for reasonable . . . CR 421.23
- Discrimination in employment; affirmative defenses
  - Generally . . . CV 533.21
  - Business necessity . . . CV 533.09

## DEFENSES—Cont.

- Drug use as defense to homicide . . . CR 421.11
  - Duress
    - Generally . . . CR 421.15
    - Affirmative defense in contract claim, as . . . CV 501.29
  - Embezzlement . . . CV 447.01
  - Entrapment, unlawful . . . CR 421.17
  - Eviction from mobile home park, affirmative defense to . . . CV 613.11
  - Fraud in real estate sales; *caveat emptor* defense . . . CV 449.13
  - Governmental liability . . . CV 425.11
  - Guarantees, actions involving . . . CV 509.05
  - Insanity defense (See INSANITY DEFENSE)
  - Insurer's defense of exposure to unnecessary danger . . . CV 709.37
  - Intoxication (See INTOXICATION)
  - Malicious prosecution
    - Civil prosecution, malicious . . . CV 439.01
    - Criminal prosecution, malicious . . . CV 439.03
  - Necessity . . . CR 421.13
  - Negligence (See NEGLIGENCE)
  - Other causes of event . . . CR 417.25
  - Product liability, affirmative defenses to . . . CV 451.19
  - Reputation . . . CR 421.05
  - Self-defense
    - Battered person syndrome . . . CR 417.43
    - Bodily harm, against danger of . . . CR 421.19; CR 421.21; CR 421.211
    - Deadly force
      - Defined . . . CR 421.21; CR 421.211
      - Use of . . . CR 421.21; CR 421.211
    - Death or great bodily harm, against danger of . . . CR 421.19; CR 421.21; CR 421.211
    - Defense of another . . . CR 421.191
    - Dwelling defined . . . CR 421.19; CR 421.21
    - Harm to person, against danger of . . . CR 421.19
    - Immediate family defined . . . CR 421.19; CR 421.21
    - Non-deadly force
      - Defined . . . CR 421.19
      - Use of . . . CR 421.191
    - Reasonable grounds and honest belief test . . . CR 421.21; CR 421.211
    - Reasonableness tests . . . CR 421.23
    - Residence defined . . . CR 421.19; CR 421.21
    - Substantial risk defined . . . CR 421.19; CR 421.21; CR 421.191; CR 421.211
    - Tests for reasonableness . . . CR 421.23
    - Vehicle defined . . . CR 421.19
  - Wrongful conveyance . . . CV 447.01
  - Wrongful possession . . . CV 447.01
- ## DELIBERATIONS, INSTRUCTIONS DURING
- Generally . . . CR 101.83; CV 101.83
  - Deadlocked jury . . . CR 429.09; CV 319.07
  - Discussion of case during interruptions, admonition against . . . CV 319.01
  - Interruptions . . . CR 429.01
  - Law, regarding . . . CR 429.07
  - Mistrial declared . . . CV 319.07



[References are to civil (CV) and criminal (CR) instruction numbers.]

#### **DELIBERATIONS, INSTRUCTIONS DURING—** Cont.

Questions by jury . . . CR 429.05  
Sample final instruction . . . CR 207.33; CV 207.33  
Sequestration . . . CR 429.03  
Verdict, possibility of or failure to reach . . . CR 429.09; CR 429.11; CV 319.07

#### **DELIVERY OF INSTRUCTIONS (GENERALLY)**

Generally . . . CR 405.01  
Effective delivery  
    Generally . . . CR 101.09; CV 101.09  
    General instructions . . . CR 101.79; CV 101.79  
    Test for . . . CR 101.11; CV 101.11  
Time of delivery  
    Generally . . . CR 101.07; CV 101.07  
    Stages of trial, throughout . . . CR 101.03; CV 101.03

#### **DEMONSTRATIONS**

Instructions prior to conducting of . . . CR 401.17; CV 309.17

#### **DEPOSITIONS**

Generally . . . CR 409.27; CV 309.07

#### **DEPRIVING OF PROPERTY**

Defined . . . CR 417.13

#### **DERELICTION OF DUTY**

Detention facilities, officers in . . . CR 521.44(C)  
Judicial officers . . . CR 521.44(B)  
Law enforcement officers . . . CR 521.44(A); CR 521.44(B)  
Ministerial officers . . . CR 521.44(B)  
Public officials . . . CR 521.44(D)  
Public servants . . . CR 521.44(E)

#### **DESECRATION**

Generally . . . CR 527.11

#### **DETAINEES (See PRISONS, PRISONERS AND DE-TAINEES)**

#### **DIRECT EVIDENCE**

Defined . . . CR 409.01; CV 305.01

#### **DISABLED PERSONS AND DISABILITIES**

Assistance dogs (See DOGS)  
Blind persons, failure to yield right of way to . . . CV 411.63  
Child under age ten, permanent disabling harm to . . . CR 541.1426  
Discrimination, employment  
    Generally . . . CV 533.11  
    Reasonable accommodation . . . CV 533.13  
Identity fraud . . . CR 513.49  
Insurance claims for total disability (See INSURANCE, subhead: Disability, total)  
Negligence and ordinary care . . . CV 401.09  
Service dogs (See DOGS, subhead: Assistance dogs)  
Theft or fraud, value and special property . . . CR 425.23; CR 513.02

#### **DISCHARGE OF JURY**

Generally . . . CR 101.87; CV 101.87

#### **DISCHARGE OF JURY—Cont.**

Agreement, without . . . CR 429.11  
Overnight adjournment . . . CV 317.09  
Rights after discharge . . . CR 429.13

#### **DISCRIMINATION, EMPLOYMENT**

Generally . . . CV 533.01  
Adverse impact claims . . . CV 533.07  
Business necessity defense . . . CV 533.09  
Circumstantial evidence; disparate treatment claims . . . CV 533.03  
Constructive discharge . . . CV 533.23  
Damages . . . CV 533.25  
Defenses, affirmative  
    Generally . . . CV 533.21  
    Business necessity . . . CV 533.09  
Direct evidence; disparate treatment claims . . . CV 533.05  
Disability discrimination  
    Generally . . . CV 533.11  
    Reasonable accommodation . . . CV 533.13  
Disparate impact claims . . . CV 533.07  
Disparate treatment claims  
    Direct evidence . . . CV 533.05  
    Indirect evidence . . . CV 533.03  
Hostile work environment; sexual harassment . . . CV 533.17  
Reasonable accommodation . . . CV 533.13  
Retaliation . . . CV 533.19  
Sexual harassment  
    Hostile work environment . . . CV 533.17  
    Loss of tangible job benefit . . . CV 533.15

#### **DISORDERLY CONDUCT**

After 3/23/19 . . . CR 517.11(A); CR 517.11(B)  
After 1/25/02 but before 3/23/19 . . . CR 517.11(A); CR 517.11(B)  
Riot (See RIOT)

#### **DISPUTED ISSUES**

General instructions . . . CR 101.53; CV 101.53

#### **DOCUMENTS**

Drug documents, illegal processing of . . . CR 525.23  
Residential lending, failure to return original documents related to . . . CV 525.11  
Unlawful conduct with respect to documents . . . CR 505.33

#### **DOGS**

Assistance dogs  
    Assaulting . . . CR 521.321(C)  
    Definitions . . . CR 521.321(C); CR 521.321(D)  
    Harassing . . . CR 521.321(D)  
    Theft . . . CR 513.02  
Failure to confine . . . CR 555.22  
Fighting . . . CR 559.03  
Liability for . . . CV 409.01  
Police dog (See ANIMALS, subhead: Police dog or horse)  
Service dogs (See subhead: Assistance dogs)  
Theft of . . . CR 513.02

#### **DOMESTIC VIOLENCE**

Generally . . . CR 519.25



[References are to civil (CV) and criminal (CR) instruction numbers.]

### DOMESTIC VIOLENCE—Cont.

Sample final instructions . . . CR 207.17

### DRIVER'S LICENSE OFFENSES

Blank driver's license form, theft, value . . . CR 425.23

Expired license, operation of vehicle with . . . CR 710.12(A)(1)(b)

Financial responsibility suspension, operation of vehicle while under . . . CR 710.16

Motorcycle operated without valid license . . . CR 710.12(A)(2)

OVI suspension, operation of vehicle under . . . CR 710.14

Reinstatement of license after suspension, operation of vehicle without . . . CR 710.21

Restricted license, operation of vehicle in violation of . . . CR 710.11(B)

Suspended license, operation of vehicle under Generally . . . CR 710.11(A)

Financial responsibility suspension . . . CR 710.16

OVI suspension . . . CR 710.14

Reinstatement of license after suspension, operation of vehicle without . . . CR 710.21

Twelve-point suspension . . . CR 710.037

Twelve-point suspension, operation of vehicle under . . . CR 710.037

Valid license, operation of vehicle without

Expired license . . . CR 710.12(A)(1)(b)

Motorcycle . . . CR 710.12(A)(2)

No license ever issued . . . CR 710.12(A)(1)(a)

### DRUGGISTS

Care, standard of . . . CV 419.01

Ephedrine product, unlawful or improper sale of . . . CR 525.56

Pseudoephedrine product, unlawful or improper sale of . . . CR 525.56

### DRUG OFFENSES

#### Abuse

Generally . . . CR 525.11

Instruments, possession of . . . CR 525.12

Intoxicants . . . CR 525.31

Permitting . . . CR 525.13

Aggravated possession . . . CR 525.11

Anabolic steroids, administration or distribution of . . . CR 525.06

Animal drugs, trafficking in . . . CR 525.09(B)

Cocaine, possession of . . . CR 525.11

Corrupting another . . . CR 525.02

Counterfeit controlled substances, offenses involving . . . CR 525.37

Deception to obtain drugs . . . CR 525.22

Defenses based on acting under influence of drugs; homicide . . . CR 421.11

Documents, drug; illegal processing of . . . CR 525.23

#### Ephedrine product

Purchase of, unlawful or improper . . . CR 525.55

Sale of, unlawful or improper . . . CR 525.56

Eviction of tenant for . . . CV 613.05

Forfeiture pursuant to . . . CR 525.42

Funding of drug or marijuana trafficking . . . CR 525.05

### DRUG OFFENSES—Cont.

Hashish, possession of . . . CR 525.11

Heroin, possession of . . . CR 525.11

Homicide, drug use as defense to . . . CR 421.11

Instruments of drug abuse, possession of . . . CR 525.12

#### Intoxicants

Abuse . . . CR 525.31

Trafficking . . . CR 525.32

LSD, possession of . . . CR 525.11

#### Manufacture, illegal

Generally . . . CR 525.04

Chemicals for, assembly or possession of . . . CR 525.041

#### Marijuana

Aggravated possession . . . CR 525.11

Cultivation . . . CR 525.04

Trafficking, funding of . . . CR 525.05

Nitrous oxide, possession in motor vehicle of . . . CR 525.33

Non-controlled substances, trafficking in . . . CR 525.09(A)

Paraphernalia offenses . . . CR 525.14(C)

#### Possession

Aggravated . . . CR 525.11

Chemicals for manufacture of drugs . . . CR 525.041

Defined . . . CR 417.21

Drug abuse instruments . . . CR 525.12

Nitrous oxide in motor vehicle . . . CR 525.33

#### Pseudoephedrine product

Purchase of, unlawful or improper . . . CR 525.55

Sale of, unlawful or improper . . . CR 525.56

Sale, preparation of drugs for . . . CR 525.07

Samples, dispensing of . . . CR 525.36

Tampering with drugs . . . CR 525.24

Theft of dangerous drugs . . . CR 513.02

#### Trafficking

Generally . . . CR 525.03

Animal drugs . . . CR 525.09(B)

Intoxicants . . . CR 525.32

Marijuana trafficking, funding of . . . CR 525.05

Non-controlled substances . . . CR 525.09(A)

Traffic offenses; operation under influence of alcohol or drugs

Generally . . . CR 711.19

Physical control of vehicle while under influence . . . CR 711.194

Prohibited alcohol or drug concentration, operating with . . . CR 711.19(A)(1)(b)-(j)

Refusal to submit to chemical test . . . CR 711.19(A)(2)

#### Watercraft and waterways violations

Operating vessel under influence of alcohol or drugs . . . CR 547.11(A)(1)

Prohibited alcohol or drug concentration, operating vessel with . . . CR 547.11(A)(2)-(6)

### DURESS

#### Defense of

Generally . . . CR 421.15

Affirmative defense in contract claim, as . . . CV 501.29



[References are to civil (CV) and criminal (CR) instruction numbers.]

## E

### EASEMENTS

Generally . . . CV 601.09  
Eminent domain actions, treatment in . . . CV 609.13

### ECONOMIC RELATIONSHIPS, INTERFERENCE WITH

Business relationship, tortious interference with . . . CV 453.01  
Contractual relationship, tortious interference with . . . CV 453.03  
Employment relations, tortious interference with . . . CV 453.05  
Inheritance, tortious interference with expectancy of . . . CV 453.07

### EJECTMENT

Generally . . . CV 601.01

### ELDERLY PERSONS

Identity fraud . . . CR 513.49  
Theft or fraud, value and special property . . . CR 425.23; CR 513.02

### EMANCIPATION

Defined . . . CV 407.21  
Loss of earnings, ability to recover . . . CV 407.21

### EMBEZZLEMENT

Generally . . . CV 447.01

### EMINENT DOMAIN

Generally . . . CV 609.01  
Appraisal of structures . . . CV 609.11  
Compensation  
    Generally . . . CV 609.05  
    Easements . . . CV 609.13  
    Fixtures, valuation of . . . CV 609.15  
    Natural assets, valuation of . . . CV 609.17  
    Potential use considerations . . . CV 609.07  
    Special use property, valuation of . . . CV 609.19  
    Structures, appraisal of . . . CV 609.11  
Concluding instructions . . . CV 609.21  
Damages for loss of value of remaining land . . . CV 609.09  
Easements, treatment of . . . CV 609.13  
Fixtures, valuation of . . . CV 609.15  
Natural assets, valuation of . . . CV 609.17  
Potential use considerations in compensation . . . CV 609.07  
Special use property, valuation of . . . CV 609.19  
Structures, appraisal of . . . CV 609.11  
Verdict . . . CV 323.05; CV 609.23  
View of property by jury . . . CV 609.03

### EMOTIONAL DISTRESS, INFLECTION OF

Intentional . . . CV 429.05  
Negligent . . . CV 429.07

### EMPLOYMENT RELATIONS

Contracts  
    Generally . . . CV 537.01  
    Breach of contract, employer liability for . . . CV 537.15

### EMPLOYMENT RELATIONS—Cont.

#### Contracts—Cont.

Promissory estoppel . . . CV 537.03  
Third party, liability to . . . CV 537.05  
Defamation of private figures involved in labor dispute . . . CV 431.05  
Discrimination (See DISCRIMINATION, EMPLOYMENT)  
Employee injury, disease, condition, or death; employer intentional tort . . . CV 537.09  
Fair representation, union's duty of . . . CV 537.15  
Hostile work environment claim; sexual harassment . . . CV 533.17  
Intentional torts . . . CV 537.09  
Interference with, tortious . . . CV 453.05  
Labor-management disputes . . . CV 537.13  
Liability  
    Employees, to . . . CV 537.15  
    Government employees acting in proprietary function . . . CV 425.03  
    Third parties, to  
        Contract claims . . . CV 537.05  
        Tort claims . . . CV 537.07  
Physical injuries to employees; employer intentional tort . . . CV 537.09  
Sexual harassment  
    Hostile work environment . . . CV 533.17  
    Loss of tangible job benefit . . . CV 533.15  
Torts  
    Employee injury, disease, condition, or death . . . CV 537.09  
    Intentional torts . . . CV 537.09  
    Interference with employment relations, tortious . . . CV 453.05  
    Physical injuries to employees . . . CV 537.09  
    Third parties, liability to . . . CV 537.07  
    Wrongful discharge as public policy tort . . . CV 537.17  
Trade secrets, appropriation of . . . CV 537.11  
Workers' compensation claims (See WORKERS' COMPENSATION CLAIMS)  
Wrongful discharge as public policy tort . . . CV 537.17

### ENDANGERING

Aircraft-airport operations . . . CR 509.08  
Criminal . . . CR 509.06  
Patients . . . CR 503.341

### ENTRAPMENT

Defense of unlawful . . . CR 421.17

### ERROR IN INSTRUCTIONS

Appeal, as basis for . . . CR 101.17; CV 101.17

### ESCAPE

Generally . . . CR 521.34(A)(1)  
Aiding of  
    Generally . . . CR 521.35(B)  
    Conveyance of item into detention facility . . . CR 521.35(A); CR 521.36  
Sexually violent predator . . . CR 521.34(A)(2)



[References are to civil (CV) and criminal (CR) instruction numbers.]

## **EVICTIION, RESIDENTIAL**

- Breach of tenant obligations . . . CV 613.03-
- Drug activity . . . CV 613.05
- Mobile home parks (See MOBILE HOME PARKS)
- Non-payment of rent
  - Generally . . . CV 613.01
  - Mobile home park tenant . . . CV 613.13

## **EVIDENCE**

- Generally . . . CR 101.33; CV 101.33
- Accomplice testimony . . . CR 409.17
- Acts of witnesses, weighing of testimony on . . . CR 409.33
- Audiotapes . . . CR 409.29
- Battered person syndrome . . . CR 417.43
- Circumstantial evidence defined . . . CR 409.01; CV 305.01
- Civil case, results in . . . CR 405.09
- Clear and convincing . . . CV 303.07
- Consciousness of guilt . . . CR 409.13
- Credibility and tests for . . . CR 409.05; CV 305.05
- Custodial interrogation of defendant . . . CR 409.09
- Defined . . . CR 409.01; CV 305.01
- Depositions . . . CR 409.27; CV 309.07
- Destruction of . . . CV 437.01
- Direct evidence defined . . . CR 409.01; CV 305.01
- Exclusions from
  - Generally . . . CR 409.03; CV 305.03
  - Sample final instruction . . . CV 207.09
- Exhibits . . . CR 409.25
- Expert testimony (See EXPERT WITNESSES)
- Eyewitness testimony, credibility of . . . CR 409.05; CV 305.05
- Guilt, consciousness of . . . CR 409.13
- Interpreters and translators
  - Civil trials, in . . . CV 301.13
  - Criminal trials, in . . . CR 401.29
- Interrogation of defendant . . . CR 409.09
- Layman's opinion . . . CR 409.19; CV 309.09
- Limited purpose evidence; instructions during trial . . . CR 401.23; CV 309.05
- Multiple defendants, evidence from . . . CR 409.15
- Polygraph tests . . . CR 409.23
- Preponderance of evidence . . . CR 417.29; CV 303.05
- Presumptions . . . CR 417.33
- Prima facie evidence (See PRIMA FACIE EVIDENCE)
- Prior convictions and acts
  - Concluding instructions . . . CR 425.15
  - Trial, instructions during . . . CR 401.25; CR 409.11
- Sample instructions
  - Evidence and references, sample final instruction for . . . CV 207.07
  - Exclusion, sample final instruction for . . . CV 207.09
  - Inferences, sample final instruction for evidence and . . . CR 207.03
- Spoliation . . . CV 437.01
- Tampering with . . . CR 521.12
- Testimony (See TESTIMONY)
- Transcripts . . . CR 409.27; CV 309.07
- Translators, interpreters and
  - Civil trials, in . . . CV 301.13

## **EVIDENCE—Cont.**

- Translators, interpreters and—Cont.
  - Criminal trials, in . . . CR 401.29
- Videotapes . . . CR 409.31

## **EXHIBITS**

- Generally . . . CR 409.25
- Sample final instructions . . . CR 207.07

## **EXOTIC ANIMALS**

- Offenses related to . . . CR 551.13

## **EXPERIMENTS, TESTS OR DEMONSTRATIONS**

- Instructions prior to conducting of . . . CR 401.17; CV 309.17

## **EXPERT WITNESSES**

- Generally . . . CR 409.21; CV 309.11
- Fraud, opinions on . . . CV 449.07
- Hypothetical questions . . . CR 409.21; CV 309.11
- Paternity claim, serological tests in . . . CV 705.07
- Polygraph examiners . . . CR 409.23
- Sample final instructions . . . CV 207.15

## **EXPLOSIVE DEVICES**

- Illegal assembly or possession of chemicals or substances for manufacturing of . . . CR 509.28
- Possession . . . CR 509.26
- Use, knowing or reckless . . . CR 509.27

## **EXTORTION**

- Generally . . . CR 505.11
- Coercion . . . CR 505.12
- Credit, extortionate extension of . . . CR 505.22

## **EYEWITNESSES**

- Credibility, weighing of . . . CR 409.05; CV 305.05

# **F**

## **FAILURE TO REPORT CRIME**

- Computer, cable, or telecommunications property, unauthorized use of . . . CR 521.22(A)
- Felony . . . CR 521.22(A)
- Gunshot or stab wound . . . CR 521.22(B)

## **FAIR HOUSING RIGHTS**

- Interference with . . . CR 527.03

## **FALSE ALARMS, MAKING OF**

- Generally . . . CR 517.32

## **FALSE ARREST**

- Generally . . . CV 441.01

## **FALSE COMPLAINTS, FILING OF**

- Patient abuse and neglect, complaint of . . . CR 503.35

## **FALSE LIGHT**

- Invasion of privacy . . . CV 433.05

## **FALSE REPORTS, MAKING OF**

- Child abuse or neglect . . . CR 521.14
- Contamination . . . CR 527.24(C)

## **FALSE REPRESENTATION**

- Firearm offense . . . CR 521.13



[References are to civil (CV) and criminal (CR) instruction numbers.]

**FALSE REPRESENTATION—Cont.**

Insurance claims . . . CV 709.17

Removal proceeding . . . CR 521.13

Theft offense . . . CR 521.13

**FAMILY OFFENSES**

Abortion offenses (See **ABORTION OFFENSES**)

Bigamy . . . CR 519.01

Consent agreement, violation of . . . CR 519.27

Custody, interference with (See **CUSTODY, INTERFERENCE WITH**)

Delinquency or unruliness of child, contributing to (See **JUVENILE DELINQUENCY**, subhead: Contributing to delinquency or unruliness)

Domestic violence . . . CR 519.25

Endangerment of child . . . CR 519.22

Protection order, violation of . . . CR 519.27

Support orders, violation of

Interference with issuance or modification of order . . . CR 519.231

Nonsupport of dependents

Generally . . . CR 519.21(A); CR 519.21(B)

Contributing to nonsupport of dependents . . . CR 519.21(C)

Unruliness of child, contributing to (See **JUVENILE DELINQUENCY**, subhead: Contributing to delinquency or unruliness)

**FERTILIZATION**

Defined . . . CR 519.171

**FINAL INSTRUCTIONS**

Generally . . . CV 317.07

Closing remarks . . . CR 425.43

Preliminary instructions, repetition of . . . CR 101.29; CV 101.29

Sample instructions

Additional finding . . . CR 207.29

Affirmative defense . . . CR 207.19

Alternate juror . . . CR 207.41

Burden of proof . . . CR 207.11; CV 207.03

Case-specific facts and law . . . CV 207.17

Closing . . . CV 207.39

Closing remarks, common . . . CR 207.31; CV 207.35

Credibility . . . CR 207.05; CV 207.11

Defendant refusing to give testimony . . . CR 207.15

Deliberations, conduct during . . . CR 207.33

Depositions . . . CV 207.13

Domestic violence . . . CR 207.17

Evidence and inferences . . . CR 207.03

Evidence and references . . . CV 207.07

Evidence excludes . . . CV 207.09

Exhibits . . . CR 207.07

Expert witness . . . CV 207.15

Foreperson . . . CR 207.35

Income taxes . . . CV 207.31

Introduction . . . CR 207.01; CV 207.01

Mathematical formula . . . CV 207.23

Mitigate, duty to . . . CV 207.25

Mortality table . . . CV 207.29

Personal injury or damage . . . CV 207.21

Preponderance . . . CR 207.21; CV 207.05

**FINAL INSTRUCTIONS—Cont.**

Sample instructions—Cont.

Present value of future damage . . . CV 207.31

Prior convictions . . . CR 207.09

Proximate cause . . . CV 207.19

Questions by jury . . . CR 207.37; CV 207.37

Quotient verdict . . . CV 207.27

Reasonable doubt . . . CR 207.13

Reasonableness . . . CR 207.25

Testimony, defendant refusing to give . . . CR 207.15

Unanimous verdict . . . CR 207.39

Verdict . . . CR 207.27

Special requests . . . CR 101.35; CR 101.75; CV 101.35; CV 101.75

**FIRE**

Accelerant to initiate or increase growth or spread of fire, use of . . . CR 541.1425

Insurance (See **INSURANCE**, subhead: Fire, loss by)

**FIRE AND POLICE PERSONNEL**

Acts of police, weighing of testimony on . . . CR 409.33

Aggravated vehicular homicide specification, peace officer as victim of . . . CR 541.1414

Dereliction of duty by law enforcement officers . . . CR 521.44(A); CR 521.44(B)

Discharge of firearm at peace officer or correction officer specification . . . CR 541.1412

Failure to obey order of police officer

Generally . . . CR 521.331

Traffic offenses . . . CV 411.03

Impersonation of officer (See **IMPERSONATION OF OFFICER**)

Justice and public administration, offenses against (See **JUSTICE AND PUBLIC ADMINISTRATION, OFFENSES AGAINST**, subhead: Police officers, involving)

Police dog or horse (See **ANIMALS**, subhead: Police dog or horse)

Premises liability, action for . . . CV 617.07

Specifications

Aggravated vehicular homicide, peace officer as victim of . . . CR 541.1414

Discharge of firearm at peace officer or correction officer . . . CR 541.1412

**FIREARMS**

Career criminal, use of firearm by . . . CR 523.132

Concealed handgun license, falsification of or possession revoked or suspended . . . CR 523.1211

Defaced firearm

Generally . . . CR 523.201(A)(2)

Identification marks . . . CR 523.201(A)(1)

Defined . . . CR 417.41

Discharge of firearm at peace officer or correction officer specification . . . CR 541.1412

Displayed, brandished or indicated possession of or used firearm specification (three year) . . . CR 541.145

Falsification to purchase firearm or obtain concealed-handgun license . . . CR 521.13

Gunshot wound, failure to report . . . CR 521.22(B)



[References are to civil (CV) and criminal (CR) instruction numbers.]

**FIREARMS—Cont.**

- Habitation, discharging at or into . . . CR 523.161
- Liquor permit premises, illegal possession in . . . CR 523.121
- Minors, possession by
  - Furnishing to minors . . . CR 523.21
  - Underage purchase . . . CR 523.211(B)
- Motor vehicle, improper handling in . . . CR 523.16
- Prohibited premises, discharging on or near . . . CR 523.162
- Robbery with deadly weapon . . . CR 511.02
- School premises, on or near (See **WEAPONS, DANGEROUS**, subhead: School premises, firearms, weapons or ordnance on or near)
- Specifications
  - Complicity
    - One year . . . CR 541.141
    - Three year . . . CR 541.145
  - Discharge of firearm at peace officer or correction officer . . . CR 541.1412
  - Displayed, brandished or indicated possession of or used firearm (three year) . . . CR 541.145
  - One year . . . CR 541.141
  - Physical harm, deadly weapons and . . . CR 425.21
  - Three year . . . CR 541.145
- Theft of . . . CR 513.02
- Underage purchase . . . CR 523.211(B)
- Violent career criminal, use of firearm by . . . CR 523.132

**FLAG BURNING**

- Generally . . . CR 527.11

**FOOD, SALE OF**

- Adulterated food . . . CV 450.01

**FOOD STAMP FRAUD**

- Illegal use . . . CR 513.46(B); CR 513.46(C)
- Trafficking . . . CR 513.46(A)
- WIC program benefits, illegal use of . . . CR 513.46(B); CR 513.46(C)

**FORCE**

- Defined . . . CR 521.04; CR 521.32(A); CR 521.32(B); CR 521.33

**FORFEITURE**

- Diminishing or interfering with forfeitable property . . . CR 581.07
- Drug offense conviction, pursuant to . . . CR 525.42
- Gang activity, participation in . . . CR 523.44

**FORGERY**

- Generally . . . CR 513.31(A)
- Identification cards . . . CR 513.31(B)

**FRAUD**

- Generally . . . CV 449.01
- Bad checks, passing of . . . CR 513.11
- Concluding instructions . . . CV 449.17
- Credit cards, misuse of . . . CR 513.21
- Creditors, defrauding of . . . CR 513.45
- Damages . . . CV 449.15
- Defense of *caveat emptor* in real estate sales . . . CV 449.13

**FRAUD—Cont.**

- Defined . . . CV 449.01
- Disclosure by person with duty to speak . . . CV 449.11
- Elements . . . CV 449.03
- Expert testimony on . . . CV 449.07
- Food stamps, involving (See **FOOD STAMP FRAUD**)
- Forgery
  - Generally . . . CR 513.31(A)
  - Identification cards . . . CR 513.31(B)
- Fraudulent purpose . . . CR 417.03
- Hostelry, defrauding of . . . CR 513.41
- Identity fraud . . . CR 513.49
- Impersonation of officer (See **IMPERSONATION OF OFFICER**)
- Insurance fraud
  - Generally . . . CR 513.47
  - Agent, by . . . CV 709.55
- Investigation and inspection, duty of . . . CV 449.09
- Livery, defrauding of . . . CR 513.41
- Medicaid fraud
  - Generally . . . CR 513.40
  - Medicaid eligibility fraud . . . CR 513.401
  - Value . . . CR 425.23
- Non-fraudulent types of representations . . . CV 449.05
- Real estate sales, *caveat emptor* in . . . CV 449.13
- Records tampering . . . CR 513.42
- Securing of writings by deception . . . CR 513.43
- Securities claims
  - Common law claims for relief . . . CV 541.09
  - Sales fraud, liability of seller for . . . CV 541.01
- Simulation, criminal . . . CR 513.32
- Slugs, making or using . . . CR 513.33
- Special property, value and . . . CR 425.23
- Telecommunications fraud . . . CR 513.05
- Tortious interference with expectancy of inheritance, as . . . CV 453.07
- Trademark counterfeiting . . . CR 513.34
- Value and special property . . . CR 425.23
- Will contests . . . CV 633.07
- Worker's compensation
  - Generally . . . CR 513.48
  - Value . . . CR 425.23

**FUNCTIONALLY IMPAIRED PERSONS**

- Failure to provide for . . . CR 503.16

**G****GAMBLING**

- Generally . . . CR 515.02
- Bingo games
  - Amusement (legal) games
    - Prohibited games, conducting of . . . CR 515.12
    - Prohibited operators . . . CR 515.11
    - Record violations . . . CR 515.10(A); CR 515.10(C)
    - Rules violations . . . CR 515.09
  - Instant bingo conduct, illegal
    - Generally . . . CR 515.091
    - Owner or lessor, by . . . CR 515.094
    - Veteran's organization, fraternal organization or sporting organization, by . . . CR 515.13



[References are to civil (CV) and criminal (CR) instruction numbers.]

**GAMBLING—Cont.****Bingo games—Cont.**

Non-amusement (illegal) games . . . CR 515.07; CR 515.12

Operating as distributor, illegally . . . CR 515.081

Operating as manufacturer, illegally . . . CR 515.082

Prohibited games (for amusement only) . . . CR 515.12

Raffle conduct, illegal . . . CR 515.092

Casino-related crimes . . . CR 515.15

**Cheating**

Before July 1, 1996 . . . CR 515.05

On or after July 1, 1996 . . . CR 515.05(A)

Game of chance defined . . . CR 515.07

Gaming, public . . . CR 515.04

House of gambling, operation of . . . CR 515.03

Raffle conduct, illegal . . . CR 515.092

Record violations in legal games . . . CR 515.10(A); CR 515.10(C); CR 515.10(I)

Scheme of chance defined . . . CR 515.07

Skill-based amusement machine prohibited conduct . . . CR 515.06

**Sporting events, corruption of**

Before July 1, 1996 . . . CR 515.06

On or after July 1, 1996 . . . CR 515.05(B)

**GAMING (See also GAMBLING)**

Public gaming . . . CR 515.04

Raffle, illegal conduct of . . . CR 515.092

**GANG OFFENSES****Participation in criminal gang**

Generally . . . CR 523.42

Forfeiture for . . . CR 523.44

Specification . . . CR 541.142

**GASOLINE, FAILURE TO MAKE FULL PAYMENT**

Theft or fraud, value and special property . . . CR 513.02

**GENERAL INSTRUCTIONS**

Generally . . . CR 101.47; CR 405.03; CV 101.47

Advisory instructions . . . CR 101.57; CV 101.57

Brevity, importance of . . . CR 101.73; CV 101.73

Burden of proof . . . CR 405.05; CV 303.03

Cautionary instructions . . . CR 101.57; CV 101.57

Civil case, results in . . . CR 405.09

Civil Rules . . . CV 101.45

Completeness and accuracy, necessity for . . . CR 101.69; CV 101.69

Concluding instructions . . . CR 101.59; CR 425.01; CV 101.59

Criminal Rules . . . CR 101.45

Defined . . . CR 101.47; CV 101.47

Delivery . . . CR 101.79; CR 405.01; CV 101.79

Disputed issues . . . CR 101.53; CV 101.53

Guidelines for . . . CR 101.65 *et seq.*; CV 101.65 *et seq.*

Impartiality and fairness, necessity for . . . CR 101.77; CV 101.77

Law, explanation of . . . CR 101.55; CV 101.55

**GENERAL INSTRUCTIONS—Cont.**

Legal terms and expressions, defining . . . CR 101.65; CV 101.65

Logical sequence, importance of . . . CR 101.67; CV 101.67

Objections after . . . CR 101.63; CV 101.63

Objectivity, necessity for . . . CR 101.77; CV 101.77

Ordinary and understandable language, use of . . . CR 101.71; CR 101.81; CV 101.71; CV 101.81

Pertinence of . . . CR 101.69; CV 101.69

Reasonable doubt . . . CR 405.07

Repetition, importance of . . . CR 101.73; CV 101.73

Requests after . . . CR 101.63; CV 101.63

Special requests . . . CR 101.75; CV 101.75

Tailoring to individual case . . . CR 101.75; CV 101.75

Undisputed facts . . . CR 101.51; CV 101.51

Undisputed issues . . . CR 101.49; CV 101.49

Verdict forms and instructions . . . CR 101.59; CR 425.33; CV 101.59

Written instructions . . . CR 101.61; CV 101.61

**GIFTS**

Condition of return, gift upon . . . CV 637.11

Defined . . . CV 637.01

Elements of valid gift . . . CV 637.05

Mortgage or money represented by mortgage, gift of . . . CV 637.09

Presumption of acceptance . . . CV 637.03

Proof required . . . CV 637.07

**GOVERNMENTAL LIABILITY**

Buildings or grounds, failure to maintain . . . CV 425.07

Damages . . . CV 425.15

Defenses . . . CV 425.11

Employees acting in proprietary function, negligence of . . . CV 425.03

Ice and snow accumulations, failure to remove . . . CV 425.05

Immunity for discretionary functions . . . CV 425.11

Motor vehicle, negligent operation of . . . CV 425.01

**Negligence**

Buildings or grounds, failure to maintain . . . CV 425.07

Employees acting in proprietary function . . . CV 425.03

Ice and snow accumulations, failure to remove . . . CV 425.05

Motor vehicle, operation of . . . CV 425.01

Roads and bridges, maintenance of . . . CV 425.05

Roads and bridges, improper maintenance of . . . CV 425.05

Statute of limitations . . . CV 425.13

Statutes, under specific . . . CV 425.09

**GRAND JURIES**

Instructions to . . . CR 301.07

**Oath**

Court reporters . . . CR 301.05

Jurors . . . CR 301.03

Qualification . . . CR 301.01



[References are to civil (CV) and criminal (CR) instruction numbers.]

## **GUARANTEES**

Affirmative defenses . . . CV 509.05  
 Damages . . . CV 509.07  
 Defined . . . CV 509.01  
 Liability of parties . . . CV 509.03

## **GUILT**

Evidence of consciousness of . . . CR 409.13

# **H**

## **HARASSMENT**

### **Animals**

Assistance dogs . . . CR 521.321(D)  
 Police dog or horse . . . CR 521.321(B)  
 Assistance dogs . . . CR 521.321(D)  
 Hunters, of . . . CR 551.07  
 Inmate, by . . . CR 521.38  
 Police dog or horse . . . CR 521.321(B)  
 Sexual harassment, employment discrimination claims involving  
   Hostile work environment . . . CV 533.17  
   Loss of tangible job benefit . . . CV 533.15  
 Telecommunications, via . . . CR 517.21(A); CR 517.21(B)

## **HAZING**

Generally . . . CR 503.31

## **HEIRS**

Determination of . . . CV 701.15

## **HOMICIDE**

Anger defense . . . CR 421.11  
 Drugs, while under influence of; defense . . . CR 421.11  
 Intoxication defense . . . CR 421.11  
 Manslaughter (See MANSLAUGHTER)  
 Murder (See MURDER)  
 Negligent . . . CR 503.05  
 Pregnancy, unlawful termination of (See PREGNANCY, UNLAWFUL TERMINATION OF)  
 Reckless . . . CR 503.041  
 Vehicular (See VEHICULAR HOMICIDE)

## **HORSES**

Police horse (See ANIMALS, subhead: Police dog or horse)

## **HOSPITALS**

Medical negligence claim against . . . CV 417.15

## **HOTELS (See INNKEEPERS)**

## **HUMAN TRAFFICKING**

Generally . . . CR 505.32; CR 541.1422

## **HUNTING OFFENSES (See WILDLIFE VIOLATIONS)**

## **HUSBAND AND WIFE**

Adultery, proof of . . . CV 701.05  
 Bigamy . . . CR 519.01  
 Burden of proof  
   Adultery . . . CV 701.05  
   Support claim . . . CV 701.03

## **HUSBAND AND WIFE—Cont.**

Common law marriage . . . CV 701.15  
 Credit of husband, goods purchased on . . . CV 701.13  
 Damage claims, denial of joinder of . . . CV 315.27  
 Family offenses (See FAMILY OFFENSES)  
 Heirs, determination of . . . CV 701.15  
 Liability  
   Negligence of wife, liability of husband for . . . CV 701.09  
   Support, liability of husband for (See SPOUSAL SUPPORT, subhead: Liability of husband for)  
 Negligence of wife, liability of husband for . . . CV 701.09

## **HYPOTHETICAL QUESTIONS**

Expert witnesses, of . . . CR 409.21; CV 309.11

# **I**

## **IDENTITY FRAUD**

Generally . . . CR 513.49

## **IMPERSONATION OF OFFICER**

Generally . . . CR 513.44; CR 521.51(B)  
 Arrest or search, in . . . CR 521.51(C)  
 Offense, in commission of . . . CR 521.51(D); CR 521.51(E)

## **IMPROPER QUESTIONS**

Generally . . . CV 309.23

## **INDEPENDENT CONTRACTORS**

Agency liability . . . CV 423.07

## **INFECTIOUS AGENTS**

Improper handling . . . CR 517.47

## **INFERENCES**

Defined . . . CR 409.01; CV 305.01

## **INNKEEPERS**

Defined . . . CV 415.01  
 Defrauding of hostelry . . . CR 513.41  
 Loss of guest's property, liability for  
   Generally . . . CV 415.01  
   Checkout, after . . . CV 415.05  
   Special arrangements . . . CV 415.03

## **INSANITY DEFENSE**

Burden of proof . . . CR 421.29  
 Concluding instructions . . . CR 421.29  
 Defined . . . CR 421.25  
 Intoxication, voluntary . . . CR 421.27  
 Temporary insanity . . . CR 421.27  
 Types of . . . CR 421.27

## **INSTRUCTIONS (GENERALLY)**

Advisory instructions . . . CR 101.57; CV 101.57  
 Appeal on instructions  
   Generally . . . CR 101.15; CV 101.15  
   Error and prejudice . . . CR 101.17; CV 101.17  
 Cautionary instructions . . . CR 101.57; CV 101.57  
 Concluding instructions . . . CR 101.59; CR 425.01; CV 101.59  
 Defined . . . CR 101.01; CV 101.01

[References are to civil (CV) and criminal (CR) instruction numbers.]

### INSTRUCTIONS (GENERALLY)—Cont.

- Deliberations, during (See DELIBERATIONS, INSTRUCTIONS DURING)
- Delivery (See DELIVERY OF INSTRUCTIONS (GENERALLY))
- Discharge instructions (See DISCHARGE OF JURY)
- Error and prejudice distinguished . . . CR 101.17; CV 101.17
- Evidential instructions . . . CR 101.33; CV 101.33
- Final instructions (See FINAL INSTRUCTIONS)
- General instructions (See GENERAL INSTRUCTIONS)
- Judge, role of . . . CR 101.05; CV 101.05
- Prejudice and error distinguished . . . CR 101.17; CV 101.17
- Preliminary instructions (See PRELIMINARY INSTRUCTIONS)
- Record requirements . . . CR 101.13; CV 101.13
- Stages of trial, during . . . CR 101.03; CV 101.03
- Standard instructions . . . CR 101.19; CV 101.19
- Time of delivery
  - Generally . . . CR 101.07; CV 101.07
  - Stages of trial, throughout . . . CR 101.03; CV 101.03
- Trial, before . . . CR 101.25; CV 101.25
- Trial, during (See TRIAL, INSTRUCTIONS DURING)
- Written instructions . . . CR 101.61; CV 101.61

### INSURANCE

#### Accident

- Generally . . . CV 709.27
- Accidental means distinguished
  - Generally . . . CV 709.31
  - Burden of proof . . . CV 709.33
- Death from
  - Generally . . . CV 709.29
  - Accidental means distinguished . . . CV 709.33
- Injury, burden of proof in . . . CV 709.25
- Arm, loss of . . . CV 709.57
- Arson . . . CV 709.11
- Automobile insurance, intoxication exclusion in policy for . . . CV 709.39
- Bad faith, refusal to pay or delay in paying claims as . . . CV 709.65
- Beneficiary, intended . . . CV 709.43
- Burden of proof
  - Accidental injury . . . CV 709.25
  - Accident or disease, death from
    - Generally . . . CV 709.29
    - Accidental means distinguished . . . CV 709.33
  - Exempted risk defense . . . CV 709.37
  - False answer material . . . CV 709.51
  - False representation . . . CV 709.17
  - Limited purpose of proofs . . . CV 709.05
  - Loss . . . CV 709.01
  - Time of proof . . . CV 709.03
  - Unsound health . . . CV 709.45
  - Waiver . . . CV 709.01
- Chimney fire . . . CV 709.23
- Defense of exposure to unnecessary danger . . . CV 709.37
- Disability, total
  - Defined . . . CV 709.59
  - Loss of arm . . . CV 709.57

### INSURANCE—Cont.

- Disability, total—Cont.
  - Permanent, and . . . CV 709.61
- Disease
  - Generally . . . CV 709.27
  - Death from . . . CV 709.29
- Explosion, loss by . . . CV 709.13
- Exposure to unnecessary danger
  - Generally . . . CV 709.35
  - Exempted risk, as . . . CV 709.37
- False representation . . . CV 709.17
- Fire, loss by
  - Generally . . . CV 709.13
  - Arson . . . CV 709.11
  - Chimney fire . . . CV 709.23
  - Proof of loss
    - Generally . . . CV 709.01
    - Limited purpose of proofs . . . CV 709.05
  - Total loss . . . CV 709.15
  - Vacant and unoccupied premises . . . CV 709.09
- Fraud
  - Generally . . . CR 513.47
  - Agent, by . . . CV 709.55
- Good faith in processing insurance claim, failure to act in . . . CV 709.65
- Health of insured, representations of
  - False answer material, burden of proving . . . CV 709.51
  - Good health . . . CV 709.53
  - Sound health . . . CV 709.47
  - Unsound health, burden of proving . . . CV 709.45
- Insurable interest . . . CV 709.19
- Intoxication exclusion in automobile policy . . . CV 709.39
- Loss, proof of
  - Generally . . . CV 709.01
  - “Earliest practical moment” requirement . . . CV 709.07
  - Limited purpose of proofs . . . CV 709.05
  - Time of proof . . . CV 709.03
- Sanity, presumption of . . . CV 709.49
- Steamboat, on . . . CV 709.21
- Supplemental actions . . . CV 709.63
- Theft defined . . . CV 709.41
- Title insurance agents, violations by . . . CV 525.21
- Waiver, proof of . . . CV 709.01

### INTENTIONAL TORT CLAIMS

- Allocation of damages, multiple defendants, interrogatories required
  - Generally . . . CV 429.09
  - Other tortious conduct claims, with . . . CV 429.11
- Employer intentional torts . . . CV 537.09

### INTERFERE

- Definition . . . CR 521.33

### INTERPRETERS

- Civil trials, use in . . . CV 301.13
- Criminal trials, use in . . . CR 401.29

### INTERROGATORIES

- Generally . . . CR 101.39; CV 101.39; CV 309.07; CV 321.01



[References are to civil (CV) and criminal (CR) instruction numbers.]

### INTERROGATORIES—Cont.

- Advisory juries . . . CR 101.37; CV 101.37
- Answers to, acceptance of . . . CR 101.43; CV 101.43
- Failure to answer; instructions during deliberations . . . CV 319.07
- Intentional tort claims; allocation of damages, multiple defendants
  - Generally . . . CV 429.09
  - Other tortious conduct claims, with . . . CV 429.11
- Narrative response interrogatories . . . CR 101.41; CV 101.41
- Negligence actions
  - Comparative fault (See COMPARATIVE FAULT, subhead: Interrogatories on future damages)
  - Comparative negligence (See COMPARATIVE NEGLIGENCE, subhead: Interrogatories on future damages)
  - Medical . . . CV 417.19
  - Professional, non-medical . . . CV 421.07
- Product liability . . . CV 451.23
- Special verdicts . . . CR 101.37; CV 101.37

### INTIMIDATION

- Generally . . . CR 521.03
- Attorney, of . . . CR 521.04
- Defined . . . CR 521.04; CR 521.32(A); CR 521.32(B)
- Ethnic intimidation . . . CR 527.12
- Victim, of . . . CR 521.04
- Witness, of . . . CR 521.04

### INTOXICANTS

- Abuse of . . . CR 525.31
- Liability for service of
  - Generally . . . CV 413.01
  - Civil Damages Act, under . . . CV 413.07
- Damages
  - Generally . . . CV 413.11
  - Civil Damages Act, under . . . CV 413.07
- Minor, liability to . . . CV 413.13
- Off-premises liability . . . CV 413.05
- On-premises liability . . . CV 413.03
- Social provider, of . . . CV 413.09
- Trafficking in . . . CR 525.32

### INTOXICATION

- Defense of
  - Generally . . . CR 421.07
  - Homicide cases . . . CR 421.11
  - Insanity defense . . . CR 421.27
  - Non-homicide cases . . . CR 421.09
  - Purpose and . . . CR 421.09 *et seq.*
- Homicide cases, defenses in . . . CR 421.11
- Insanity defense, as basis for . . . CR 421.27
- Insurance policy intoxication exclusion . . . CV 709.39
- Negligence claim . . . CV 401.17
- Purpose and . . . CR 421.09 *et seq.*
- Traffic offenses (See ALCOHOL OFFENSES, subhead: Traffic offenses)
- Watercraft and waterways violations (See ALCOHOL OFFENSES, subhead: Watercraft and waterways violations)
- Weapons use while intoxicated . . . CR 523.15

### INVOLUNTARY MANSLAUGHTER

- Generally . . . CR 503.04

### ISSUES, PRESENTATION OF

- Generally . . . CR 413.01
- Negligence (See NEGLIGENCE)
- Paternity claims . . . CV 705.01
- Robbery, aggravated; examples
  - Generally . . . CR 413.03
  - Lesser included offense, with . . . CR 413.05
- Time . . . CR 413.07
- Venue . . . CR 413.07

## J

### JOINDER

- Damage claims, denial in . . . CV 315.27

### JOINT TRIAL

- Damages, separate claims for . . . CV 315.31

### JOINT VENTURES

- Agency liability . . . CV 423.05

### JUDGES (GENERALLY)

- Dereliction of duty by judicial officers . . . CR 521.44(B)
- Role in instructions . . . CR 101.05; CV 101.05

### JURIES AND JURORS (GENERALLY)

- Admonitions to jury . . . CV 301.07
- Advisory juries . . . CR 101.37; CV 101.37
- Alternate jurors
  - Closing instructions regarding . . . CR 425.39; CV 317.05
  - Sample final instruction . . . CR 207.41
- Appreciation of service . . . CR 425.41
- Deadlocked jury . . . CR 429.09; CV 319.07
- Deliberations
  - Conduct during . . . CR 425.37
  - Instructions during (See DELIBERATIONS, INSTRUCTIONS DURING)
- Discharge of jury (See DISCHARGE OF JURY)
- Discussion of case after verdict . . . CR 425.41
- Foreperson, sample final instruction for . . . CR 207.35
- Grand juries (See GRAND JURIES)
- Jury view (See subhead: Scene visits)
- Notetaking by jurors . . . CR 401.19; CV 301.09
- Oath
  - Grand jurors . . . CR 301.03
  - Instructions before administration of . . . CV 301.01
  - Officer in charge during sequestration . . . CR 429.03
- Orientation of new jury . . . CR 401.07; CV 301.05
- Overnight adjournment . . . CV 317.09
- Paternity actions, duty in . . . CV 705.15
- Qualifying of jury
  - Grand jury . . . CR 301.01
  - Trial, instructions during . . . CR 401.01; CV 301.03
- Questions by jurors
  - Deliberations, during . . . CR 429.05
  - Sample final instructions . . . CR 207.37; CV 207.37



[References are to civil (CV) and criminal (CR) instruction numbers.]

## JURIES AND JURORS (GENERALLY)—Cont.

### Questions by jurors—Cont.

Trial, during . . . CR 401.21; CV 301.11

### Recess instructions

Generally . . . CR 401.11; CV 309.13

Extended recess and separate hearings . . . CR 401.13

Overnight adjournment . . . CV 317.09

### Scene visits

Generally . . . CR 401.15; CV 309.15

Eminent domain actions . . . CV 609.03

### Selection (See VOIR DIRE)

### Sequestration . . . CR 429.03

### Swearing in, instructions after . . . CR 401.09

### Voir dire (See VOIR DIRE)

## JUSTICE AND PUBLIC ADMINISTRATION, OFFENSES AGAINST

### Arrest, resisting . . . CR 521.33

### Bribery

Generally . . . CR 521.02

Solicitation by public official, improper (See SOLICITATION, subhead: Compensation by public official, improper)

### Burn injury, failure to report . . . CR 521.22(E)

### Cable, failure to report unauthorized use of . . . CR 521.22(A)

### Civil rights

Deprivation of . . . CV 713.01

Interference with . . . CR 521.45

### Compounding of crime . . . CR 521.21

### Computer, cable, or telecommunications property, failure to report unauthorized use of . . . CR 521.22(A)

### Confidential information, disclosure of . . . CR 521.24

### Death, failure to report knowledge of . . . CR 521.22(C); CR 521.22(D)

### Dereliction of duty (See DERELICTION OF DUTY)

### Escape (See ESCAPE)

### Evidence tampering . . . CR 521.12

### Failure to report crime

Computer, cable, or telecommunications property, failure to report unauthorized use of . . . CR 521.22(A)

Felony . . . CR 521.22(A)

Gunshot or stab wound . . . CR 521.22(B)

### False reports, making of

Child abuse or neglect . . . CR 521.14

Contamination . . . CR 527.24(C)

### Falsification

Firearm offense . . . CR 521.13

Insurance claims . . . CV 709.17

Removal proceeding . . . CR 521.13

Theft offense . . . CR 521.13

### Felony, failure to report . . . CR 521.22(A)

### Gunshot wound, failure to report . . . CR 521.22(B)

### Impersonation of officer (See IMPERSONATION OF OFFICER)

### Inmate, harassment by . . . CR 521.38

### Intimidation (See INTIMIDATION)

### Obstruction

Justice (See OBSTRUCTION OF JUSTICE)

Official business . . . CR 521.31

Official business, obstructing . . . CR 521.31

## JUSTICE AND PUBLIC ADMINISTRATION, OFFENSES AGAINST—Cont.

### Perjury . . . CR 521.11

### Police dog or horse, offense against (See ANIMALS, subhead: Police dog or horse)

### Police officers, involving

Dereliction of duty . . . CR 521.44(A); CR 521.44(B)

Failure to comply with order or signal . . . CR 521.331; CV 411.03

Impersonation of (See IMPERSONATION OF OFFICER)

Public contract, unlawful interest in . . . CR 521.42

Public employees, restrictions on present or former . . . CR 521.17

### Public officials, involving

Dereliction of duty . . . CR 521.44(D); CR 521.44(E)

Disruption of activities of . . . CR 521.31

Restrictions on present or former officials . . . CR 521.17

Solicitation of compensation by, improper (See SOLICITATION, subhead: Compensation by public official, improper)

### Retaliation . . . CR 521.05

Sham legal process, use of . . . CR 521.52

Stab wound, failure to report . . . CR 521.22(B)

Telecommunications property, failure to report unauthorized use of . . . CR 521.22(A)

Theft in office . . . CR 521.41

Weapons conveyed into detention facility . . . CR 521.35(A); CR 521.36

## JUVENILE DELINQUENCY

### Contributing to delinquency or unruliness

Offenses before 1/1/2002 . . . CR 519.24

Offenses on or after 1/1/2002 . . . CR 519.24(B)(1); CR 519.24(B)(2)

Offenses on or after 1/1/2002 but before 7/31/2003 . . . CR 519.24(A)(3)

Offenses on or after 7/31/2003 but before 4/6/2017 . . . CR 519.24(A)(3)

Offenses on or after 4/6/2017 . . . CR 519.24(B)(3); CR 519.24(B)(4)

## K

## KIDNAPPING

Generally . . . CR 505.01(A)

Abduction . . . CR 505.02

Child enticement, criminal . . . CR 505.05

Child stealing . . . CR 505.04

Special circumstances . . . CR 505.01(B)

## KNOWINGLY ACTING

Defined . . . CR 417.11

## L

## LABOR RELATIONS (See also EMPLOYMENT RELATIONS)

Defamation of private figures involved in labor dispute . . . CV 431.05



[References are to civil (CV) and criminal (CR) instruction numbers.]

## LABOR RELATIONS (See also EMPLOYMENT RELATIONS)—Cont.

Fair representation, union's duty of . . . CV 537.15  
Management-labor disputes . . . CV 537.13

## LANDLORD AND TENANT

Eviction, residential (See EVICTION, RESIDENTIAL)  
Mobile home parks (See MOBILE HOME PARKS)  
Premises liability  
    Landlord (See PREMISES LIABILITY, subhead: Landlord liability)  
    Tenant . . . CV 617.21  
Rent, eviction for non-payment of  
    Generally . . . CV 613.01  
    Mobile home park tenant . . . CV 613.13  
Security deposit, return of  
    Generally . . . CV 613.07  
    Mobile home park tenant . . . CV 613.33

## LAW, EXPLANATION OF

Deliberations, during . . . CR 429.07  
General instructions, challenges in . . . CR 101.55; CV 101.55

## LAW OF INSTRUCTIONS

Generally . . . CR 101.01 *et seq.*; CV 101.01 *et seq.*

## LAYMAN'S OPINION

Generally . . . CR 409.19; CV 309.09

## LEMON LAW

Generally . . . CV 529.01

## LESSER INCLUDED OFFENSES

Concluding instructions  
    Generally . . . CR 425.09  
    Purpose of submitting . . . CR 425.11  
Robbery, aggravated; examples . . . CR 413.05

## LIABILITY

Agency liability (See AGENCY LIABILITY)  
Alcoholic beverages, service of (See INTOXICANTS, subhead: Liability for service of)  
Animals, for (See ANIMALS, subhead: Liability for)  
Employment relations (See EMPLOYMENT RELATIONS)  
Governmental (See GOVERNMENTAL LIABILITY)  
Guarantees, actions involving . . . CV 509.03  
Husband and wife  
    Negligence of wife, liability of husband for . . . CV 701.09  
    Support, liability of husband for (See SPOUSAL SUPPORT, subhead: Liability of husband for)  
Innkeepers (See INNKEEPERS, subhead: Loss of guest's property, liability for)  
Premises liability (See PREMISES LIABILITY)  
Product liability (See PRODUCT LIABILITY)  
Support, liability of husband for (See SPOUSAL SUPPORT, subhead: Liability of husband for)  
Sureties (See SURETIES)

## LIKENESS, APPROPRIATION OF

Invasion of privacy . . . CV 433.07

## LIMITED PURPOSE EVIDENCE

Trial, instructions during . . . CR 401.23; CV 309.05

## LOITERING

Solicitation, to engage in . . . CR 507.241

## M

## MALICE

Business relationship, tortious interference with . . . CV 453.01  
Civil conspiracy; plaintiff's claim . . . CV 443.01  
Contractual relationship, tortious interference with . . . CV 453.03  
Defined . . . CV 439.01  
Employment relations, tortious interference with . . . CV 453.05  
Malicious combination defined for civil conspiracy claim . . . CV 443.01  
Malicious prosecution  
    Civil malicious prosecution . . . CV 439.01  
    Criminal malicious prosecution . . . CV 439.03  
Unfair competition by malicious litigation . . . CV 439.05

## MALICIOUS PROSECUTION

Civil malicious prosecution . . . CV 439.01  
Criminal malicious prosecution . . . CV 439.03

## MALPRACTICE

Generally (See PROFESSIONAL NEGLIGENCE)  
Medical (See MEDICAL NEGLIGENCE)

## MANSLAUGHTER

Abortion manslaughter . . . CR 519.13(A); CR 519.13(B)  
Involuntary . . . CR 503.04  
Pregnancy, unlawful termination of  
    Involuntary manslaughter . . . CR 503.04  
    Voluntary manslaughter . . . CR 503.03  
Vehicular . . . CR 503.06  
Voluntary . . . CR 503.03

## MANUFACTURED HOME PARKS (See MOBILE HOME PARKS)

## MASSAGE

Advertising of, unlawful . . . CR 527.24  
Establishments, prohibited activities for . . . CR 507.42

## MEDICAID FRAUD

Generally . . . CR 513.40  
Medicaid eligibility fraud . . . CR 513.401  
Value and special property . . . CR 425.23

## MEDICAL EXPENSES

Damage award limited to . . . CV 315.27

## MEDICAL INFORMATION

Unauthorized disclosure of nonpublic medical information  
    Generally . . . CV 457.01  
    Inducement of . . . CV 457.03

## MEDICAL NEGLIGENCE

Generally . . . CV 417.01  
Agents and employees of physicians . . . CV 417.11  
Chance of survival or recovery, loss of less-than-even . . . CV 417.17



[References are to civil (CV) and criminal (CR) instruction numbers.]

**MEDICAL NEGLIGENCE—Cont.**

- Employees and agents of physicians . . . CV 417.11
- Hospital as defendant . . . CV 417.15
- Informed consent, lack of
  - Generally . . . CV 417.07
  - Defense, statutory . . . CV 417.09
- Interrogatories . . . CV 417.19
- Res ipsa loquitur . . . CV 417.05
- Standards of care
  - Generally . . . CV 417.03
  - Physicians and surgeons . . . CV 417.13

**MENACING**

- Generally . . . CR 503.22
- Aggravated . . . CR 503.21
- Stalking, by . . . CR 503.211

**MINORS (See also CHILDREN)**

- Abortion performed on woman under 18, unlawful . . . CR 519.12(B); CR 519.121
- Automobile, operation of
  - Generally . . . CV 407.09
  - Parent, guardian, or other responsible person, liability of . . . CV 411.79
- Earnings, recovery for loss of . . . CV 407.21
- Firearms, possession of
  - Furnishing to minor . . . CR 523.21
  - Underage purchase . . . CR 523.211(B)
- Intoxicants, social provider's liability to minor for . . . CV 413.13
- Obstruction of justice, where defendant aided minor . . . CR 521.32(B)
- Sex offenses involving (See SEX OFFENSES)

**MISCARRIAGE**

- Damages . . . CV 315.07

**MISCHIEF, CRIMINAL**

- Generally . . . CR 509.07

**MISTAKE OF FACT**

- Generally . . . CR 417.05
- Contracts (See CONTRACTS)

**MISTRIAL**

- Verdict, failure to reach; instructions during deliberations . . . CV 319.07

**MOBILE HOME PARKS**

- Damages, claim for
  - Park operator, by; violation of statutory obligations . . . CV 613.17
  - Resident, by
    - Illegal acts of park operator . . . CV 613.31
    - Obligation of park operator, violation of . . . CV 613.15
    - Prohibited conduct of park operator . . . CV 613.25
- Eviction
  - Holding over term
    - Owner . . . CV 613.21
    - Tenant . . . CV 613.23
  - Non-payment of rent . . . CV 613.13
  - Retaliatory conduct of park operator
    - Generally . . . CV 613.09

**MOBILE HOME PARKS—Cont.**

- Eviction—Cont.
  - Retaliatory conduct of park operator—Cont.
    - Affirmative defense . . . CV 613.11
  - Rules of park or safety code, violation of
    - First violation . . . CV 613.27
    - Second violation . . . CV 613.29
  - Termination of term resulting from sale of park . . . CV 613.19
- Retaliatory conduct of park operator in eviction
  - Generally . . . CV 613.09
  - Affirmative defense . . . CV 613.11
- Security deposit, claim for return of . . . CV 613.33

**MONEY LAUNDERING**

- Terrorism, in support of . . . CR 509.29

**MORTGAGES (See also RESIDENTIAL LENDING PRACTICES)**

- Conversion of chattel by mortgagee . . . CV 625.05
- Gift of mortgage or money represented by mortgage . . . CV 637.09

**MOTIVE**

- Proof of . . . CR 417.01
- Transferred intent . . . CR 417.01

**MOTOR VEHICLES (See AUTOMOBILES AND OTHER MOTOR VEHICLES)****MULTIPLE COUNTS**

- Concluding instructions . . . CR 425.07

**MULTIPLE PARTIES**

- General instruction . . . CV 311.03
- Defendants, multiple (See DEFENDANTS (GENERALLY))

**MURDER**

- Generally . . . CR 503.02
- Aggravated; death penalty
  - Sentencing phase . . . CR 503.011
  - Trial phase . . . CR 503.01
- Pregnancy, unlawful termination of
  - Generally . . . CR 503.02
  - Aggravated; death penalty . . . CR 503.01

**N****NAME, APPROPRIATION OF**

- Invasion of privacy . . . CV 433.07

**NATURAL ASSETS**

- Eminent domain actions, valuation in . . . CV 609.17

**NECESSITY**

- Defense of . . . CR 421.13

**NEGLECT (See ABUSE AND NEGLECT)****NEGLIGENCE**

- Generally . . . CV 401.01
- Accident, defense of . . . CR 421.01
- Act of God . . . CV 401.25
- Assault, negligent . . . CR 503.14



[References are to civil (CV) and criminal (CR) instruction numbers.]

## NEGLIGENCE—Cont.

### Automobile negligence

- Affirmative defenses . . . CV 411.73
  - Assured clear distance . . . CV 411.19
  - Care, degree of . . . CV 411.01
  - Damages . . . CV 315.19
  - Governmental liability for negligent operation of motor vehicle . . . CV 425.01
  - Guardian, liability of . . . CV 411.79
  - Illuminating devices, failure to use . . . CV 411.71
  - Lights, failure to display . . . CV 411.71
  - Loss of consciousness or other medical emergency . . . CV 401.21
  - Marked lanes, failure to drive in . . . CV 411.37
  - Matter of law, distinguished from negligence as . . . CV 411.01
  - Minor, liability of parent, guardian, or other responsible person . . . CV 411.79
  - Order or signal of police officer, failure to comply with . . . CV 411.03
  - Owner of vehicle, liability of
    - Generally . . . CV 411.75
    - Passenger not operator, owner as . . . CV 411.77
  - Parent, guardian, or other responsible person, liability of . . . CV 411.79
  - Passenger not operator, liability of owner when . . . CV 411.77
  - Per se negligence . . . CV 411.01
  - Private property, traffic rules on . . . CV 411.07
  - Reasonable control of vehicle . . . CV 411.15
  - Safety of persons or property, operation in willful or wanton disregard of . . . CV 411.13
  - Tire or mechanical failure
    - Generally . . . CV 401.23
    - Affirmative defenses . . . CV 411.73
  - Unsafe vehicle, operation of . . . CV 411.69
- ### Blackout as excuse
- Generally . . . CV 401.21
  - Affirmative defenses for automobile negligence . . . CV 411.73
- ### Burden of proof of defenses
- Act of God . . . CV 401.25
  - Loss of consciousness or other medical emergency . . . CV 401.21
- ### Causation (See subhead: Proximate cause)
- ### Caution signs, effect of presence of . . . CV 401.19
- ### Children, actions by or involving
- Generally . . . CV 407.01
  - Administrator, action by . . . CV 407.17
  - Child under 7, negligence by . . . CV 407.03
  - Comparative negligence; duty of parents . . . CV 407.15
  - Concluding instructions . . . CV 407.13
  - Damages . . . CV 407.17
  - Duty of parents . . . CV 407.15
  - Imputation of parents' negligence . . . CV 407.11
  - Ordinary care (See subhead: Ordinary care)
  - Statutory violation by child . . . CV 407.07
  - Tort of child, liability of parents for . . . CV 407.19
- ### Common carriers . . . CV 401.35
- ### Comparative negligence (See COMPARATIVE NEGLIGENCE)

## NEGLIGENCE—Cont.

### Conclusions

- Children, actions by or involving . . . CV 407.13
  - Comparative negligence (See COMPARATIVE NEGLIGENCE)
  - Defendant negligence, without . . . CV 406.03; CV 406.05
  - Plaintiff negligence, without . . . CV 406.01; CV 406.03
  - Concurrent but independent negligence . . . CV 401.39
  - Counterclaim, submission of . . . CV 311.07
  - Criminal negligence defined . . . CR 417.19
  - Custom . . . CV 401.03
- ### Damages
- Generally (See DAMAGES)
  - Interrogatories in comparative negligence actions (See COMPARATIVE NEGLIGENCE, subhead: Interrogatories on future damages)
  - Submission of causation and/or damage only . . . CV 311.05
- ### Dangerous substances, ordinary care involving . . . CV 401.11
- ### Defenses
- Accident, unavoidable . . . CR 421.01
  - Affirmative defenses for automobile negligence . . . CV 411.73
  - Burden of proof (See subhead: Burden of proof of defenses)
  - Informed consent, statutory defense to lack of . . . CV 417.09
  - Professional, non-medical; defense of client negligence . . . CV 421.05
- ### Defined . . . CR 417.19; CV 401.01
- ### Disability, person under . . . CV 401.09
- ### Due care, lapse of . . . CR 417.19
- ### Duty to look . . . CV 401.05
- ### Emergency, sudden
- Affirmative defenses for automobile negligence . . . CV 411.73
  - Automobile negligence, affirmative defenses for . . . CV 411.73
  - Care, duty of . . . CV 401.13
  - Legal excuse . . . CV 401.15
- ### Emotional distress, infliction of . . . CV 429.07
- ### Foreseeability
- Generally . . . CR 417.19; CV 401.07
  - Affirmative defenses for automobile negligence . . . CV 411.73
  - Loss of consciousness or other medical emergency . . . CV 401.21
- ### Governmental liability (See GOVERNMENTAL LIABILITY)
- ### Homicide, negligent . . . CR 503.05
- ### Independent negligence . . . CV 401.39
- ### Inference of . . . CV 401.33
- ### Intoxication, lack of ordinary care due to . . . CV 401.17
- ### Issues, presentation of
- General instruction . . . CV 311.01
- ### Causation
- Separate and distinct element from negligence . . . CV 311.11
  - Submission of . . . CV 311.05



[References are to civil (CV) and criminal (CR) instruction numbers.]

**NEGLIGENCE—Cont.****Issues, presentation of—Cont.**

- Counterclaim . . . CV 311.07
- Damages . . . CV 311.05
- Multiple parties . . . CV 311.03
- Per se negligence . . . CV 311.09
- Submission of causation and/or damage only . . . CV 311.05
- Violations of statute . . . CV 311.09

**Loss of consciousness or other medical emergency**

- Generally . . . CV 401.21
- Affirmative defenses in automobile negligence . . . CV 411.73

**Medical (See MEDICAL NEGLIGENCE)****Ordinary care**

- Generally . . . CV 401.01
- Caution signs, presence of . . . CV 401.19
- Children, care of
  - Generally . . . CV 407.01
  - Child under 7 . . . CV 407.03
  - Duty of parents . . . CV 407.15
  - Measure of care by child . . . CV 407.05
  - Tort liability of parents . . . CV 407.19

**Common carriers . . . CV 401.35****Dangerous substances . . . CV 401.11****Defined . . . CV 401.01****Duty to look . . . CV 401.05****Persons under disability . . . CV 401.09****Sudden emergency . . . CV 401.13****Per se negligence**

- Automobile negligence . . . CV 411.01
- Issues, presentation of . . . CV 311.09

**Product liability, common law negligence in . . . CV 451.11 *et seq.*****Professional negligence**

- Generally (See PROFESSIONAL NEGLIGENCE)
- Medical negligence (See MEDICAL NEGLIGENCE)

**Proximate cause**

- Generally . . . CV 405.01
- Intervening and superseding cause . . . CV 405.05
- Remote cause or condition . . . CV 405.03
- Separate and distinct element from negligence, as . . . CV 311.11
- Submission of issue . . . CV 311.05

**Reckless conduct . . . CV 401.41****Res ipsa loquitur**

- Generally . . . CV 401.33
- Medical negligence . . . CV 417.05

**Securities, common law claims for relief concerning . . . CV 541.09****Substantial negligence defined . . . CR 417.19****Under the influence, lack of ordinary care while . . . CV 401.17****Wife's negligence, liability of husband for . . . CV 701.09****Willful or wanton misconduct . . . CV 401.41****NEGOTIABLE INSTRUMENTS****Theft, value . . . CR 425.23****NUCLEAR WEAPONS (See RADIOLOGICAL OR NUCLEAR WEAPONS)****NUDITY**

- Child endangerment . . . CR 519.22
- Defined . . . CR 417.39
- Nudity-oriented materials or performances
  - Impaired person in, use of . . . CR 507.323
  - Minors in, use of . . . CR 507.323

**NUISANCE****Absolute**

- Abnormally dangerous activity . . . CV 621.03
- Intentional acts . . . CV 621.05
- Statutory violation . . . CV 621.01

**"Coming to the nuisance" as bar to complaint . . . CV 621.11****Damages, compensatory . . . CV 621.13****Qualified . . . CV 621.07****Regulated activities, exceptions for . . . CV 621.09****O****OBJECTIONS TO INSTRUCTIONS****General instructions, after . . . CR 101.63; CV 101.63****OBSCENITY, PANDERING OF**

- Generally . . . CR 507.32
- Impaired person, obscenity involving . . . CR 507.321
- Minors, obscenity involving . . . CR 507.321

**OBSTRUCTION OF JUSTICE**

- Adult, where defendant aided . . . CR 521.32(A)
- Minor, where defendant aided . . . CR 521.32(B)

**OFFICIAL BUSINESS****Disruption of . . . CR 521.31****ORDNANCE, DANGEROUS****Biological weapons**

- Possession . . . CR 509.26
- Use, knowing or reckless . . . CR 509.27

**Chemical weapons**

- Possession . . . CR 509.26
- Use, knowing or reckless . . . CR 509.27
- Courthouse, in . . . CR 523.123; CR 523.123(A); CR 523.123(B)

**Explosive devices**

- Possession . . . CR 509.26
- Use, knowing or reckless . . . CR 509.27

**Failure to secure . . . CR 523.19****Manufacturing or processing explosives . . . CR 523.17****Radiological or nuclear weapons**

- Possession . . . CR 509.26
- Use, knowing or reckless . . . CR 509.27

**School premises, on or near (See WEAPONS, DANGEROUS, subhead: School premises, firearms, weapons or ordnance on or near)****Theft . . . CR 513.02****Unlawful possession . . . CR 523.17****OWNERSHIP****Defined . . . CR 417.15**



[References are to civil (CV) and criminal (CR) instruction numbers.]

## P

### PANIC, INDUCING

- Generally . . . CR 517.31
- Discharging firearm at or into school with intent to cause harm or panic . . . CR 523.161
- False alarms, making of . . . CR 517.32

### PAROLE OFFICER

- Defined . . . CR 521.24

### PATERNITY

- Generally . . . CV 705.01
- Competency of witnesses . . . CV 705.11
- Concluding instructions . . . CV 705.13
- Exhibiting of child . . . CV 705.09
- Issues, presentation of . . . CV 705.01
- Jury's duty . . . CV 705.15
- Presumption of paternity and burden of proof
  - Defendant . . . CV 705.05
  - Person other than defendant . . . CV 705.03
- Serological tests . . . CV 705.07
- Verdict . . . CV 705.13

### PATIENTS

- Abuse and neglect
  - Generally . . . CR 503.34
  - False complaint, filing of . . . CR 503.35
- Endangerment . . . CR 503.341

### PERJURY

- Generally . . . CR 521.11

### PERSONAL INJURY

- Automobile accident causing injury, leaving scene of . . . CR 749.02; CR 749.021
- Damages (See DAMAGES)
- Hunters, injury of persons or property by . . . CR 551.03
- Insurance claim, burden of proof in . . . CV 709.25

### PERSONAL PROPERTY

- Automobile accident damaging property, leaving scene of . . . CR 749.021
- Conversion (See CONVERSION)
- Damages (See DAMAGES)
- Damaging or endangering, criminal . . . CR 509.06
- Eminent domain actions, valuation of fixtures in . . . CV 609.15
- Secured transactions (See SECURED TRANSACTIONS (U.C.C.))
- Vandalism . . . CR 509.05(B)

### PHARMACISTS (See DRUGGISTS)

### PHYSICAL HARM

- Definition . . . CR 521.321(A)-(D)
- Specification in concluding instructions . . . CR 425.21

### PHYSICIANS

- Defined . . . CR 519.171
- Negligence (See MEDICAL NEGLIGENCE)

### PIRACY

- Motion picture piracy . . . CR 513.07

### POLICE AND FIRE PERSONNEL (See FIRE AND POLICE PERSONNEL)

### POLYGRAPH TESTS

- Generally . . . CR 409.23

### POSSESSION

- Generally . . . CR 417.21
- Adverse possession . . . CV 601.03
- Biological weapons . . . CR 509.26
- Chemical weapons . . . CR 509.26
- Conversion (See CONVERSION)
- Defined . . . CR 417.21
- Drug possession (See DRUG OFFENSES)
- Exotic animals . . . CR 551.13
- Explosive devices . . . CR 509.26
- Firearms . . . CR 523.12 *et seq.*
- Joint possession . . . CR 417.21
- Radiological or nuclear weapons . . . CR 509.26
- Secured transactions
  - Perfection of interest by possession . . . CV 517.09
  - Right of secured party to take possession . . . CV 517.15
- Tools, criminal . . . CR 523.24
- Transfer of, landlord liability at or after . . . CV 617.15; CV 617.17
- Unauthorized device . . . CR 513.041
- Weapons, dangerous . . . CR 523.12 *et seq.*
- Wrongful possession . . . CV 447.01

### PREEXISTING CONDITION

- Damages, acceleration or aggravation of prior injury or condition . . . CV 315.15

### PREGNANCY

- Defined . . . CR 519.171
- Pregnant victim . . . CR 541.1423
- Unlawful termination (See PREGNANCY, UNLAWFUL TERMINATION OF)

### PREGNANCY, UNLAWFUL TERMINATION OF

- Homicide, as
  - Negligent homicide . . . CR 503.05
  - Reckless homicide . . . CR 503.041
  - Vehicular homicide
    - Generally . . . CR 503.07
    - Aggravated . . . CR 503.06
- Manslaughter, as
  - Involuntary . . . CR 503.04
  - Voluntary . . . CR 503.03
- Murder, as
  - Generally . . . CR 503.02
  - Aggravated; death penalty . . . CR 503.01

### PREJUDICE IN INSTRUCTIONS

- Appeal, as basis for . . . CR 101.17; CV 101.17

### PRELIMINARY INSTRUCTIONS

- Generally . . . CR 101.27; CV 101.27
- Issues raised after . . . CR 101.29; CV 101.29
- Repetition in final instructions . . . CR 101.29; CV 101.29
- Sample instructions . . . CR 205.01; CV 205.01
- Trial, before . . . CR 101.25; CV 101.25



[References are to civil (CV) and criminal (CR) instruction numbers.]

**PREMISES LIABILITY**

Generally . . . CV 617.01  
 Business visitors . . . CV 617.03  
 Fire/police personnel . . . CV 617.07  
 Frequenters . . . CV 617.11  
 Invitees . . . CV 617.03  
 Landlord liability  
     Generally . . . CV 617.19  
     Conditions arising after transfer of possession  
       . . . CV 617.15  
     Conditions arising at transfer of possession . . . CV  
       617.17  
 Licensees . . . CV 617.09  
 Recreational users . . . CV 617.13  
 Social guests . . . CV 617.05  
 Tenant liability . . . CV 617.21  
 Trespassers . . . CV 617.09

**PREPONDERANCE OF EVIDENCE**

Generally . . . CR 417.29; CV 303.05  
 Sample final instructions . . . CR 207.21; CV 207.05

**PRESUMPTIONS**

Generally . . . CV 309.01  
 Evidential . . . CR 417.33

**PRIMA FACIE EVIDENCE**

Generally . . . CR 417.31; CV 309.03  
 Bailment agreement, violation of . . . CV 629.03

**PRIOR CONVICTIONS OR OFFENSES**

Concluding instructions . . . CR 425.15  
 Sample final instructions . . . CR 207.09  
 Trial, instructions during . . . CR 401.25; CR 409.11

**PRIOR INJURY OR CONDITION**

Damages, acceleration or aggravation of condition  
 . . . CV 315.15

**PRISONS, PRISONERS AND DETAINEES**

Aggravated riot . . . CR 517.02(B)  
 Dereliction of duty by detention facility officers  
 . . . CR 521.44(C)  
 Discharge of firearm at correction officer specification  
 . . . CR 541.1412  
 Escape (See ESCAPE)  
 Harassment by inmate . . . CR 521.38  
 Weapons conveyed into detention facility  
     Generally . . . CR 521.35(A); CR 521.36  
     Possession by detainee . . . CR 523.131

**PRIVACY, INVASION OF**

Embarrassing private facts, public disclosure of  
 . . . CV 433.03  
 False light . . . CV 433.05  
 Intrusion upon seclusion of another . . . CV 433.01  
 Name or likeness, appropriation of . . . CV 433.07  
 Publicity, right of . . . CV 433.09

**PRIVATE PROPERTY**

Traffic rules on . . . CV 411.07

**PROBATE**

Defined . . . CV 633.01  
 Will contests (See WILL CONTESTS)

**PRODUCT LIABILITY**

Common law negligence . . . CV 451.11 *et seq.*  
 Damages . . . CV 451.21  
 Defenses, affirmative . . . CV 451.19  
 Design or formulation defect  
     Common law negligence . . . CV 451.11  
     Statutory defect . . . CV 451.05  
 Failure to warn  
     Common law negligence . . . CV 451.15  
     Statutory violation . . . CV 451.07  
 Implied warranty, common law breach of . . . CV  
     451.17  
 Interrogatories . . . CV 451.23  
 Manufacturing or construction defect  
     Common law negligence . . . CV 451.13  
     Statutory defect . . . CV 451.03  
 Non-conformance to representation . . . CV 451.09  
 Statutory . . . CV 451.01 *et seq.*

**PROFESSIONAL NEGLIGENCE**

Generally . . . CV 421.01  
 Defense of client negligence . . . CV 421.05  
 Interrogatories . . . CV 421.07  
 Medical negligence (See MEDICAL NEGLIGENCE)  
 Standards of care . . . CV 421.03

**PROMISSORY ESTOPPEL**

Contract claims . . . CV 501.31  
 Employment contracts . . . CV 537.03

**PROPERTY**

Depriving of . . . CR 417.13  
 Hunters, injury of persons or property by . . . CR  
     551.03  
 Ownership . . . CR 417.15  
 Personal property (See PERSONAL PROPERTY)  
 Real property (See REAL PROPERTY)  
 Special property, value and . . . CR 425.23  
 Unauthorized use of . . . CR 513.04  
 Value of property destroyed or stolen, concluding in-  
     structions on . . . CR 425.23

**PROSTITUTION**

Generally . . . CR 507.25  
 Compelling . . . CR 507.21  
 Procuring . . . CR 507.23  
 Promoting . . . CR 507.22  
 School, in proximity of . . . CR 541.1421  
 Soliciting  
     Generally . . . CR 507.24  
     Loitering to engage in . . . CR 507.241

**PROTECTION ORDERS**

Violation of . . . CR 519.27

**PROXIMATE CAUSE**

Negligent acts (See NEGLIGENCE)  
 Sample final instructions . . . CV 207.19

**PUBLIC ADMINISTRATION, OFFENSES**

AGAINST (See JUSTICE AND PUBLIC ADMINIS-  
 TRATION, OFFENSES AGAINST)

**PUBLIC AMUSEMENT**

Criminal trespass on place of . . . CR 511.23



[References are to civil (CV) and criminal (CR) instruction numbers.]

**PUBLIC INDECENCY**

Generally . . . CR 507.09

**PUBLICITY, RIGHT OF**

Invasion of privacy . . . CV 433.09

**PUBLIC PEACE, OFFENSES AGAINST**

Crowd safety statute, violation of . . . CR 517.40

Disorderly conduct

After 3/23/19 . . . CR 517.11(A); CR 517.11(B)

After 1/25/02 but before 3/23/19 . . . CR

517.11(A); CR 517.11(B)

Riot (See RIOT)

Emergency, misconduct at . . . CR 517.13

False alarms, making of . . . CR 517.32

Harassment via telecommunications . . . CR

517.21(A); CR 517.21(B)

Infectious agents, improper handling of . . . CR 517.47

Lawful meeting, disturbing of . . . CR 517.12

Panic, inducing (See PANIC, INDUCING)

Public transportation, misconduct involving . . . CR

517.41

Riot (See RIOT)

Telecommunications harassment . . . CR 517.21(A);

CR 517.21(B)

Violence, inciting to . . . CR 517.01

**PUBLIC SERVICES, DISRUPTION OF**

Generally . . . CR 509.04

**PURPOSE, ELEMENT OF**

Coma or blackout, acts committed while in . . . CR 417.07

Deadly weapon, use of . . . CR 417.01

Fraudulent purpose . . . CR 417.03

Intoxication and . . . CR 421.09 *et seq.*

Mistake of fact, acting under . . . CR 417.05

Motive, proof of . . . CR 417.01

Purposely acting . . . CR 417.01

Transfer of purpose . . . CR 417.09

**PYRAMID SCHEMES**

Generally . . . CR 533.92

**R****RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS (See RICO OFFENSES)****RADIOLOGICAL OR NUCLEAR WEAPONS**

Illegal assembly or possession of chemicals or substances for manufacturing of . . . CR 509.28

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

**RAFFLES (See also GAMBLING; GAMING)**

Generally . . . CR 515.092

**RAPE**

Generally . . . CR 507.02(A)(1); CR 507.02(A)(2)

Attempted rape specification

Generally . . . CR 541.1418

Child victims under age of ten . . . CR 541.1419

Force or threat of force, compelled by . . . CR 541.1419

**RAPE—Cont.**

Attempted rape specification—Cont.

Repeat offenders . . . CR 541.1420

**REAL PROPERTY**

Adjoining owners . . . CV 601.07

Adverse possession . . . CV 601.03

Automobile accident damaging realty, leaving scene of . . . CR 749.03

Breaking and entering . . . CR 511.13(A); CR 511.13(B)

*Caveat emptor* defense in real estate fraud claim . . . CV 449.13

Damaging or endangering

Criminal . . . CR 509.06

Damages for . . . CV 315.35

Easements . . . CV 601.09

Ejectment . . . CV 601.01

Eminent domain (See EMINENT DOMAIN)

Fraud in real estate sales; *caveat emptor* defense . . . CV 449.13

RICO offenses (See RICO OFFENSES, subhead: Acquiring or maintaining interest in enterprise or real property)

Special use property, eminent domain actions involving . . . CV 609.19

Trespass (See TRESPASS)

Vandalism . . . CR 509.05(A)

**REASONABLE DOUBT**

General instructions . . . CR 405.07

Sample final instructions . . . CR 207.13

**RECESS INSTRUCTIONS**

Generally . . . CR 401.11; CV 309.13

Extended recess and separate hearings . . . CR 401.13

Sample instructions . . . CR 205.05; CV 205.05

**RECKLESS CONDUCT**

Generally . . . CV 401.41

**RECKLESSNESS, CRIMINAL**

Defined . . . CR 417.17

Homicide, reckless . . . CR 503.041

**RECORDS AND RECORDINGS**

Criminal record information, misuse of . . . CR 527.22

Grand jury court reporter, oath of . . . CR 301.05

Instructions, recording of . . . CR 101.13; CV 101.13

Securing of writings by deception . . . CR 513.43

Tampering with records . . . CR 513.42

**RENT**

Eviction for non-payment

Generally . . . CV 613.01

Mobile home park tenant . . . CV 613.13

**RENTED PROPERTY OR SERVICES**

Theft of . . . CR 513.02

**REQUESTS TO INSTRUCT**

Final instructions . . . CR 101.35; CR 101.75; CV 101.35; CV 101.75

General instructions, after . . . CR 101.75; CV 101.75

Special requests . . . CR 101.35; CR 101.75; CV 101.35; CV 101.75



[References are to civil (CV) and criminal (CR) instruction numbers.]

**REQUESTS TO INSTRUCT—Cont.**

Trial, during . . . CV 309.25  
Written requests . . . CR 401.27; CV 309.25

**RESIDENTIAL LENDING PRACTICES**

Advertisements, failure of mortgage broker to include registration number on . . . CV 525.17  
Bona fide third parties, fees for services performed by . . . CV 525.11; CV 525.13  
Consumer Sales Practices Act, violations of . . . CV 525.21  
Cost of loan, failure of registrant to deliver good faith estimate of . . . CV 525.03  
Damages . . . CV 525.19  
Disclosure statement, failure of registrant to deliver mortgage loan . . . CV 525.03  
Documents, failure to return original . . . CV 525.11  
Fee premiums . . . CV 525.11  
Improper payment of fees to mortgage broker . . . CV 525.13  
Kickbacks . . . CV 525.11  
Loan officer, license to act as . . . CV 525.01  
Material changes in terms of loan, failure to provide timely disclosure of . . . CV 525.07  
Mortgage broker, certificate of registration to act as . . . CV 525.01  
Prohibited conduct . . . CV 525.09; CV 525.11  
Punitive damages . . . CV 525.19  
Referral fees . . . CV 525.11  
Required information, failure of registrant to provide . . . CV 525.03  
Tax and payment disclosures, failure of registrant to deliver . . . CV 525.05  
Title insurance agents, violations by . . . CV 525.21  
Unconscionable acts in connection with residential mortgages . . . CV 525.23  
Unlawful lending practices by loan officer or mortgage broker . . . CV 525.15

**RESIST**

Definition . . . CR 521.33

**RESTRAINT, UNLAWFUL**

Generally . . . CR 505.03

**RETALIATION**

Generally . . . CR 521.05

**REVIVOR**

Generally . . . CV 303.01

**RICO OFFENSES**

Generally . . . CV 445.01  
Acquiring or maintaining interest in enterprise or real property  
Burden of proof . . . CV 445.09  
Causation . . . CV 445.13  
Damages . . . CV 445.13  
Definitions . . . CV 445.11  
Elements . . . CV 445.09; CV 445.11  
Use or investment of proceeds in (See subhead: Use or investment of proceeds in acquisition of real property, or establishment or operation of enterprise)  
Civil actions . . . CV 445.01

**RICO OFFENSES—Cont.**

Conducting or participating in affairs of enterprise  
Burden of proof . . . CV 445.03  
Causation . . . CV 445.07  
Damages . . . CV 445.07  
Definitions . . . CV 445.05  
Elements . . . CV 445.03; CV 445.05  
Conspiracy to engage in pattern of corrupt activity or collection of unlawful debt  
Burden of proof . . . CV 445.21  
Causation . . . CV 445.25  
Damages . . . CV 445.25  
Definitions . . . CV 445.23  
Elements . . . CV 445.21; CV 445.23  
Use or investment of proceeds in acquisition of real property, or establishment or operation of enterprise  
Burden of proof . . . CV 445.15  
Causation . . . CV 445.19  
Damages . . . CV 445.19  
Definitions . . . CV 445.17  
Elements . . . CV 445.15; CV 445.17

**RIOT**

Generally . . . CR 517.03  
Aggravated  
Generally . . . CR 517.02(A)  
Inmate at correctional facility . . . CR 517.02(B)

**RISK**

Assumption of risk . . . CV 403.09  
Defined . . . CR 417.19  
Substantial risk defined . . . CR 417.17

**ROADS AND BRIDGES**

Governmental liability for failure to maintain . . . CV 425.05

**ROBBERY**

Generally . . . CR 511.02  
Aggravated . . . CR 511.01(A); CR 511.01(B)  
Deadly weapon, with . . . CR 511.02

**S**

**SAFE CRACKING**

Generally . . . CR 511.31

**SALE OF GOODS, CONTRACTS FOR (U.C.C.)**

Acceptance of goods  
Revocation by buyer (See subhead: Revocation of acceptance, buyer's)  
Words or conduct indicating . . . CV 505.37  
Buyer's remedies  
Acceptance of goods, words or conduct indicating . . . CV 505.37  
Damages  
Breach of warranty . . . CV 505.45  
Cover damages . . . CV 505.49  
Incidental and consequential . . . CV 505.51  
Nondelivery, repudiation, rejection and revocation of acceptance . . . CV 505.43  
Limitation on . . . CV 505.53  
Notice of breach . . . CV 505.47  
Rejection . . . CV 505.35



[References are to civil (CV) and criminal (CR) instruction numbers.]

## SALE OF GOODS, CONTRACTS FOR

### (U.C.C.)—Cont.

#### Buyer's remedies—Cont.

Revocation of acceptance (See subhead: Revocation of acceptance, buyer's)

Confirmation or acceptance, additional terms in . . . CV 505.07

#### Damages

Buyer's remedies (See subhead: Buyer's remedies)

Seller's remedies

Incidental damages . . . CV 505.31

Non-acceptance or repudiation, damages for . . . CV 505.27

Delivery, tender of; seller's . . . CV 505.23

#### Express warranties

Generally . . . CV 505.11

Exclusion or modification . . . CV 505.17

#### Formation of contract

Generally . . . CV 505.01

Conduct of parties, formed by . . . CV 505.03

#### Implied warranties

Exclusion or modification . . . CV 505.19

Fitness for particular purpose . . . CV 505.15

Merchantability . . . CV 505.13

Usage of trade . . . CV 505.13

Modification, rescission and waiver . . . CV 505.09

#### Obligations of parties

Buyer's tender of payment . . . CV 505.21

Seller's tender of delivery . . . CV 505.23

Open price term . . . CV 505.05

Payment, tender of; buyer's . . . CV 505.21

#### Remedies

Buyer's (See subhead: Buyer's remedies)

Seller's (See subhead: Seller's remedies)

Rescission . . . CV 505.09

#### Revocation of acceptance, buyer's

Generally . . . CV 505.39

Damages . . . CV 505.43

Obligations after . . . CV 505.41

#### Seller's remedies

##### Damages

Incidental . . . CV 505.31

Non-acceptance or repudiation, for . . . CV 505.27

Limitation on . . . CV 505.33

Price, action for . . . CV 505.29

Resale . . . CV 505.25

Waiver . . . CV 505.09

#### Warranties

##### Breach by seller

Damages . . . CV 505.45

Notice of . . . CV 505.47

##### Express warranties

Generally . . . CV 505.11

Exclusion or modification . . . CV 505.17

Implied warranties (See subhead: Implied warranties)

## SCENE VISITS

Generally . . . CR 401.15; CV 309.15

Eminent domain actions . . . CV 609.03

## SCHOOLS

Prostitution-related offense in proximity of school

. . . CR 541.1421

Raffle conduct, illegal . . . CR 515.092

Safety zone specification, school . . . CR 541.143

Weapons on or near premises (See WEAPONS, DANGEROUS, subhead: School premises, firearms, weapons or ordnance on or near)

## SECURED TRANSACTIONS (U.C.C.)

Accessions . . . CV 517.11

Buyer in ordinary course of business . . . CV 517.01

### Collateral

Default, disposition after . . . CV 517.17

Description of . . . CV 517.03

Secured party, in possession of . . . CV 517.07

Commingled goods . . . CV 517.13

Default, disposition of collateral after . . . CV 517.17

Enforceability of interest . . . CV 517.05

Perfection of interest by possession . . . CV 517.09

### Possession

Perfection of interest by . . . CV 517.09

Right of secured party to take . . . CV 517.15

Processed goods . . . CV 517.13

## SECURITIES

Advisor misconduct, liability for . . . CV 541.03

Common law claims for relief . . . CV 541.09

### Fraud

Common law claims for relief . . . CV 541.09

Liability of seller for . . . CV 541.01

Investment advisor or investment advisor representative misconduct, liability for . . . CV 541.05

Prohibited conduct involving . . . CV 541.07

## SELF-DEFENSE (See DEFENSES, subhead: Self-defense)

## SELF-REPRESENTATION

Instructions during trial . . . CR 401.03

## SEQUESTRATION

Generally . . . CR 429.03

## SERVICES

Defined . . . CR 513.21

Theft of . . . CR 513.02

## SEX OFFENSES

Battery, sexual . . . CR 507.03

Bestiality . . . CR 559.21

Cabaret, operation of adult (See CABARET, ADULT)

Child sexual abuse . . . CR 519.22

Child-victim oriented offense; duty of sex offender to register or send notice of intent to reside . . . CR 550.041

Corruption of minor . . . CR 507.04

Illegally operating sexually oriented business . . . CR 507.40(B)

### Impaired persons

Nudity-oriented materials or performances, use in . . . CR 507.323

Obscenity involving, pandering of . . . CR 507.321

Sexually oriented matter involving, pandering of . . . CR 507.322



[References are to civil (CV) and criminal (CR) instruction numbers.]

**SEX OFFENSES—Cont.**

Importuning . . . CR 507.07  
 Loitering to engage in solicitation . . . CR 507.241  
 Massage establishments, prohibited activities in . . . CR 507.42  
 Matter harmful to juveniles  
   Deception to obtain . . . CR 507.33  
   Displaying . . . CR 507.311  
   Disseminating . . . CR 507.31  
 Minors  
   Attempted rape specification for victims under age of ten . . . CR 541.1419  
   Child-victim oriented offense; duty of sex offender to register or send notice of intent to reside . . . CR 550.041  
   Commercial sexual exploitation of . . . CR 507.19  
   Corruption of . . . CR 507.04  
   Exploitation, commercial . . . CR 507.19  
   Matter harmful to juveniles (See subhead: Matter harmful to juveniles)  
   Nudity-oriented materials or performances, use in . . . CR 507.323  
   Obscenity involving, pandering of . . . CR 507.321  
   Sexually oriented matter involving, pandering of . . . CR 507.322  
   Unlawful sexual conduct with . . . CR 507.04  
 Nudity-oriented materials or performances  
   Impaired person in, use of . . . CR 507.323  
   Minors in, use of . . . CR 507.323  
 Objectionable materials, compelling acceptance of . . . CR 507.34(A); CR 507.34(B)  
 Obscenity, pandering of  
   Generally . . . CR 507.32  
   Impaired person, obscenity involving . . . CR 507.321  
   Minors, obscenity involving . . . CR 507.321  
 Pandering  
   Obscenity  
     Generally . . . CR 507.32  
     Impaired person, involving . . . CR 507.321  
     Minors, involving . . . CR 507.321  
   Sexually oriented matter  
     Impaired person, involving . . . CR 507.322  
     Minors, involving . . . CR 507.322  
 Procuring . . . CR 507.23  
 Prostitution (See PROSTITUTION)  
 Public indecency . . . CR 507.09  
 Rape (See RAPE)  
 Registration of sex offenders  
   Change of address notice  
     Generally . . . CR 550.05  
     Periodic verification of address . . . CR 550.06  
   Duty to comply with registration requirements . . . CR 550.04  
   Duty to register  
     Child-victim oriented offense . . . CR 550.041  
     Offenses before July 1, 1997 . . . CR 550.02  
     Offenses on or after July 1, 1997 . . . CR 550.04  
   Notice of intent to reside, duty to send  
     Generally . . . CR 550.04  
     Child-victim oriented offense . . . CR 550.041  
 Restraint, unlawful . . . CR 505.03

**SEX OFFENSES—Cont.**

Sexual imposition  
   Generally . . . CR 507.06  
   Gross sexual imposition . . . CR 507.05  
 Sexually oriented business, illegally operating . . . CR 507.40(B)  
 Sexually oriented matter, pandering of  
   Impaired persons, involving . . . CR 507.322  
   Minors, involving . . . CR 507.322  
 Sexually violent offense defined . . . CR 507.71  
 Sexually violent predators  
   Concluding instructions . . . CR 425.29  
   Escape . . . CR 521.34(A)(2)  
   Gross sexual imposition . . . CR 507.05  
   Specification . . . CR 507.71  
 Sexual motivation  
   Defined . . . CR 507.71  
   Restraint, unlawful . . . CR 505.03  
   Specification in concluding instructions . . . CR 425.31; CR 507.72  
 Sexual penetration, felonious . . . CR 507.12(A)(1); CR 507.12(A)(2)  
 Sexual terms defined . . . CR 417.39  
 Soliciting  
   Generally . . . CR 507.24  
   Loitering to engage in . . . CR 507.241  
 Specifications  
   Attempted rape of victims under age of ten . . . CR 541.1419  
   Sexual motivation; concluding instructions . . . CR 425.31; CR 507.72  
   Violent predators, sexually . . . CR 507.71  
 Terms defined . . . CR 417.39  
 Unlawful sexual conduct with minor . . . CR 507.04  
 Voyeurism . . . CR 507.08

**SEXUAL HARASSMENT**

Employment discrimination claims  
   Hostile work environment . . . CV 533.17  
   Loss of tangible job benefit . . . CV 533.15

**SEXUALLY ORIENTED BUSINESS**

Cabaret, operation of adult (See CABARET, ADULT)  
 Illegally operating . . . CR 507.40(B)  
 Massage establishments, prohibited activities in . . . CR 507.42

**SEXUAL TERMS**

Defined . . . CR 417.39

**SHAM LEGAL PROCESS, USE OF**

Generally . . . CR 521.52

**SIMULATION, CRIMINAL**

Generally . . . CR 513.32

**SLUGS, MAKING OR USING**

Generally . . . CR 513.33

**SOLICITATION**

Compensation by public official, improper  
   Generally . . . CR 521.43(A)  
   Appointment or preference, for . . . CR 521.43(B)  
   Coerced contributions . . . CR 521.43(C)



[References are to civil (CV) and criminal (CR) instruction numbers.]

**SOLICITATION—Cont.****Sexual**

Generally . . . CR 507.24

Loitering to engage in . . . CR 507.241

**SPECIAL VERDICTS**

Abolition of . . . CR 101.37; CV 101.37

**SPECIFICATIONS**

Generally . . . CR 541.01

Aggravating circumstances; concluding instructions . . . CR 425.27

**Body armor**

Generally . . . CR 541.1411

Wearing of during commission of felony; concluding instructions . . . CR 425.19

Complicity (See **COMPLICITY**)

Firearms (See **FIREARMS**)

Gang activity, criminal . . . CR 541.142

Operating a vehicle under the influence (OVI) . . . CR 541.1413

**Peace officers**

Aggravated vehicular homicide, victim of . . . CR 541.1414

Discharge of firearm at peace officer or correction officer . . . CR 541.1412

Physical harm, deadly weapons and . . . CR 425.21

Rape, attempted (See **RAPE**, subhead: Attempted rape specification)

School safety zone . . . CR 541.143

Sex offenses (See **SEX OFFENSES**)

**SPOUSAL SUPPORT**

Interference with issuance or modification of support order . . . CR 519.231

**Liability of husband for**

Generally . . . CV 701.01

Burden of proof . . . CV 701.03

Exceptions . . . CV 701.07

Necessaries defined . . . CV 701.11

**STALKING, MENACING BY**

Generally . . . CR 503.211

**STATUTE OF LIMITATIONS**

Governmental liability . . . CV 425.13

**STILLBIRTH**

Damages . . . CV 315.07

**STOLEN PROPERTY, RECEIVING OF**

Generally . . . CR 513.51

**SUBROGATION**

Damages . . . CV 315.25

**SUPPORT CLAIMS**

Child support (See **CHILD SUPPORT**)

Spousal support (See **SPOUSAL SUPPORT**)

**SURETIES**

Contribution, liability for . . . CV 513.07

Extension of time, effect of agreement for . . . CV 513.05

**Liability**

Bond of agent, surety's liability on . . . CV 513.01

**SURETIES—Cont.****Liability—Cont.**

Contribution, for . . . CV 513.07

Revival of . . . CV 513.09

Strict construction of contract . . . CV 513.03

**T****TAXES**

Damage awards, income tax considerations in . . . CV 315.45

Residential lending practices; failure of registrant to deliver tax and payment disclosures . . . CV 525.05

Sample final instruction for income taxes . . . CV 207.31

**TELECOMMUNICATION PROPERTY**

Unauthorized use, failure to report . . . CR 521.22(A)

**TENANTS (See LANDLORD AND TENANT)****TERRORISM**

Generally . . . CR 509.24

Money laundering in support of terrorism . . . CR 509.29

Soliciting or providing support for . . . CR 509.22

Threats, terroristic . . . CR 509.23

**TESTIMONY**

Accomplice testimony . . . CR 409.17

Acts of witnesses, weighing of testimony on . . . CR 409.33

Deposition, by . . . CR 409.27; CV 309.07

Expert witnesses (See **EXPERT WITNESSES**)

Eyewitness testimony, credibility of . . . CR 409.05; CV 305.05

**Interpreters and translators**

Civil trials, use in . . . CV 301.13

Criminal trials, in . . . CR 401.29

Criminal trials, use in . . . CR 401.29

Layman's opinion . . . CR 409.19; CV 309.09

Multiple defendants . . . CR 409.15

**Refusal or inability to give**

Generally . . . CV 309.19

Defendant's . . . CR 207.15; CR 409.07

**THEFT**

General instruction . . . CR 513.02

Cable service, theft of . . . CR 513.041

Computer systems or networks, unauthorized use of . . . CR 513.04

Dogs . . . CR 513.02

Insurance purposes, defined for . . . CV 709.41

Property, unauthorized use of . . . CR 513.04

Public or party official, by . . . CR 521.41

Stolen property, receiving of . . . CR 513.51

Unauthorized device, possession or sale of . . . CR 513.041

Value and special property . . . CR 425.23

Vehicle, unauthorized use of . . . CR 513.03

**THEFT IN OFFICE**

Value and separate property . . . CR 425.23



[References are to civil (CV) and criminal (CR) instruction numbers.]

**THREATS**

Attempted rape specification, victim compelled by force or threat of force under . . . CR 541.1419  
 Defined . . . CR 417.35  
 Terroristic . . . CR 509.23

**TIME, ISSUE OF**

Presentation of issue . . . CR 413.07

**TOBACCO PRODUCTS, ILLEGAL DISTRIBUTION OF**

Children, to . . . CR 527.02(B)(1) *et seq.*  
 False identity documents, furnishing to child of . . . CR 527.02(B)(3)  
 Packs containing fewer than 20 cigarettes, sale of . . . CR 527.02(B)(4)  
 Signs regarding sale, failure to post . . . CR 527.02(B)(2)  
 Smaller quantity of cigarettes than placed in pack, sale of . . . CR 527.02(B)(5)  
 Vending machines, improper placement of . . . CR 527.02(C)

**TOOLS, CRIMINAL**

Possession of . . . CR 523.24

**TORT CLAIMS**

Agency liability . . . CV 423.03  
 Child, tort by; liability of parents . . . CV 407.19  
 Damages (See DAMAGES, subhead: Tort actions)  
 Employment relations (See EMPLOYMENT RELATIONS)  
 Intentional  
   Allocation of damages, multiple defendants, interrogatories required  
     Generally . . . CV 429.09  
     Other tortious conduct claims, with . . . CV 429.11  
 Business relationship, tortious interference with . . . CV 453.01  
 Contractual relationship, tortious interference with . . . CV 453.03  
 Employer intentional tort . . . CV 537.09  
 Employment relations, tortious interference with . . . CV 453.05  
 Inheritance, tortious interference with expectancy of . . . CV 453.07

**TOXIC CHEMICAL WEAPONS (See CHEMICAL WEAPONS)****TRADEMARKS**

Counterfeiting . . . CR 513.34

**TRADE PRACTICES**

Pyramid schemes . . . CR 533.92

**TRADE SECRETS**

Appropriation of . . . CV 537.11

**TRAFFICKING IN PERSONS (See HUMAN TRAFFICKING)****TRAFFIC OFFENSES**

Alcohol-related (See ALCOHOL OFFENSES, subhead: Traffic offenses)

**TRAFFIC OFFENSES—Cont.**

Assured clear distance . . . CV 411.19  
 Backing of vehicle . . . CV 411.47  
 Blind persons, failure to yield right of way to . . . CV 411.63  
 Car signals . . . CV 411.49  
 Crosswalks, right of way of pedestrians in . . . CV 411.61  
 Divided highways . . . CV 411.41  
 Drug-related (See DRUG OFFENSES, subhead: Traffic offenses; operation under influence of alcohol or drugs)  
 Emergency vehicles (See subhead: Public safety vehicles)  
 Entering highway from other than roadway . . . CV 411.59  
 Flashing traffic signals . . . CV 411.09  
 Hand and arm signals . . . CV 411.49  
 Hanging outside of vehicles . . . CV 411.65  
 Hazardous zones . . . CV 411.33  
 Highways  
   Divided . . . CV 411.41  
   Entering highway from other than roadway . . . CV 411.59  
   One-way . . . CV 411.35  
   Parking on . . . CV 411.67  
 Intersections, turns at . . . CV 411.43  
 Left of center, driving on  
   Generally . . . CV 411.31  
   Passing . . . CV 411.27  
 Left turn, vehicle yielding right of way for . . . CV 411.09  
 Local traffic laws . . . CV 411.09  
 Marked lanes, driving in . . . CV 411.37  
 One-way highways . . . CV 411.35  
 Opposite directions, vehicles traveling in . . . CV 411.25  
 Outside of vehicles, traveling on . . . CV 411.65  
 Overtaking and passing  
   Generally . . . CV 411.27  
   Hazardous zones . . . CV 411.33  
   Left of center, on . . . CV 411.27  
   Right, on . . . CV 411.27  
   Right of way, failure of overtaken vehicle to yield . . . CV 411.29  
 Parking on highway . . . CV 411.67  
 Passing (See subhead: Overtaking and passing)  
 Pedestrians  
   Blind persons, failure to yield right of way to . . . CV 411.63  
   Control signals . . . CV 411.09  
   Crosswalks, right of way in . . . CV 411.61  
   Sidewalks, yielding right of way on . . . CV 411.53;  
     CV 411.55  
 Police officers, failure to comply with order or signal of . . . CR 521.331; CV 411.03  
 Private property, rules on . . . CV 411.07  
 Public safety vehicles  
   Duty of others . . . CV 411.57  
   “Emergency call” defined . . . CV 411.05  
   Red or stop signals, going past . . . CV 411.05  
   Right of way to, yielding . . . CV 411.57  
 Racing, street . . . CV 411.23



[References are to civil (CV) and criminal (CR) instruction numbers.]

### TRAFFIC OFFENSES—Cont.

- Reasonable control of vehicle . . . CV 411.15
- Reversible lanes, signals for . . . CV 411.11
- Riding on outside of vehicles . . . CV 411.65
- Right of way
  - Generally . . . CV 411.51
  - Blind persons, failure to yield to . . . CV 411.63
  - Crosswalks, pedestrians in . . . CV 411.61
  - Entering highway from other than roadway . . . CV 411.59
  - Failure of overtaken vehicle to yield . . . CV 411.29
  - Left turn . . . CV 411.09
  - Public safety vehicles, yielding to . . . CV 411.57
  - Sidewalks, yielding to pedestrians on . . . CV 411.53; CV 411.55
  - Stop or yield signs, at . . . CV 411.09
  - Yield signs, at . . . CV 411.09
- Right side of roadway, failure to drive on; exceptions . . . CV 411.21
- Sidewalks
  - Pedestrians on, yielding right of way to . . . CV 411.53; CV 411.55
  - Stopping in residential or business districts . . . CV 411.53
- Signal lights
  - Car signals . . . CV 411.49
  - Changing . . . CV 411.11
  - Flashing signals . . . CV 411.09
  - Lane change signals . . . CV 411.49
  - Pedestrian control signals . . . CV 411.09
  - Public safety vehicles going past red or stop signals . . . CV 411.05
  - Reversible lanes, for . . . CV 411.11
  - Traffic control devices . . . CV 411.09
  - Turning, for . . . CV 411.49
- Space between moving vehicles
  - Generally . . . CV 411.39
  - Assured clear distance . . . CV 411.19
- Speed
  - Assured clear distance . . . CV 411.19
  - Decreasing speed signals . . . CV 411.49
  - Proper speed . . . CV 411.17
  - Reasonable speed . . . CV 411.17
- Starting and backing of vehicle . . . CV 411.47
- Stopped vehicles, starting of . . . CV 411.47
- Stop signs, right of way at . . . CV 411.09
- Street racing . . . CV 411.23
- Traffic control devices . . . CV 411.09
- Traveling on outside of vehicles . . . CV 411.65
- Turns
  - Car signals . . . CV 411.49
  - Hand and arm signals . . . CV 411.49
  - Intersections, at . . . CV 411.43
  - U-turns . . . CV 411.45
- U-turns . . . CV 411.45
- Willful and wanton disregard of safety of persons or property, operation in . . . CV 411.13
- Yield signs, right of way at . . . CV 411.09

### TRANSCRIPTS

- Generally . . . CR 409.27; CV 309.07

### TRANSFERRED INTENT

- Proof of . . . CR 417.01

### TRANSLATORS

- Civil trials, use in . . . CV 301.13
- Criminal trials, use in . . . CR 401.29

### TRESPASS

- Generally . . . CV 601.05
- Aggravated . . . CR 511.211
- Breaking and entering on land . . . CR 511.13(B)
- Criminal
  - Generally . . . CR 511.21
  - Public amusement, trespass on place of . . . CR 511.23
- Public amusement, criminal trespass on place of . . . CR 511.23

### TRIAL, INSTRUCTIONS DURING

- Generally . . . CR 101.31; CV 101.31
- Admonitions to jury . . . CV 301.07
- Experiments, prior to conducting of . . . CR 401.17; CV 309.17
- Improper questions . . . CV 309.23
- Jury view, prior to (See subhead: Scene visits, prior to)
- Limited purpose evidence . . . CR 401.23; CV 309.05
- Notetaking by jurors . . . CR 401.19; CV 301.09
- Oath of jury, prior to administration of . . . CV 301.01
- Orientation of new jury . . . CR 401.07; CV 301.05
- Outline of trial, checklist for . . . CR 201.01; CV 201.01
- Prior convictions and acts . . . CR 401.25; CR 409.11
- Qualification of jury . . . CR 401.01; CV 301.03
- Questions by jurors . . . CR 401.21; CV 301.11
- Recess instructions
  - Generally . . . CR 401.11; CV 309.13
  - Extended recess and separate hearings . . . CR 401.13
- Requests to instruct, written . . . CR 401.27; CV 309.25
- Scene visits, prior to
  - Generally . . . CR 401.15; CV 309.15
  - Eminent domain actions . . . CV 609.03
- Self-representation . . . CR 401.03
- Swearing of jurors, after . . . CR 401.09
- Testimony, refusal or inability to give
  - Generally . . . CV 309.19
  - Defendant's . . . CR 409.07
- Voir dire examination by counsel . . . CR 401.05
- Witnesses, competence of . . . CV 309.21

## U

### UNDISPUTED FACTS

- General instructions . . . CR 101.51; CV 101.51

### UNDISPUTED ISSUES

- General instructions . . . CR 101.49; CV 101.49

### UNDUE INFLUENCE

- Tortious interference with expectancy of inheritance, as . . . CV 453.07
- Will, making of . . . CV 633.05



[References are to civil (CV) and criminal (CR) instruction numbers.]

**UNFAIR COMPETITION**

Malicious litigation, by . . . CV 439.05

**UNIFORM COMMERCIAL CODE**

Sale of goods (See **SALE OF GOODS, CONTRACTS FOR (U.C.C.)**)

Secured transactions (See **SECURED TRANSACTIONS (U.C.C.)**)

**USURY**

Generally . . . CR 505.22

**V****VANDALISM**

Burial sites . . . CR 509.05(D)

Cemeteries . . . CR 509.05(C)

Occupied structure . . . CR 509.05(A)

Property . . . CR 509.05(B)

Railroad grade crossing device . . . CR 509.101

Real property . . . CR 509.05(A)

**VEHICLE IDENTIFICATION NUMBERS, TAMPERING WITH (See **AUTOMOBILES AND OTHER MOTOR VEHICLES**)****VEHICULAR ASSAULT**

Generally . . . CR 503.08

**VEHICULAR HOMICIDE**

Generally . . . CR 503.06; CR 503.07

**Aggravated**

Generally . . . CR 503.06

Peace officer as victim specification . . . CR 541.1414

Manslaughter, vehicular . . . CR 503.06

Pregnancy, unlawful termination of

Generally . . . CR 503.07

Aggravated . . . CR 503.06

**VENUE**

Presentation of issue . . . CR 413.07

**VERDICTS**

Generally . . . CR 425.33; CV 323.01

Acceptance . . . CR 101.85; CV 101.85

Discussion of case by jurors after . . . CR 425.41

Eminent domain actions . . . CV 323.05; CV 609.23

Failure to reach; instructions during deliberations . . . CR 429.09; CR 429.11; CV 319.07

Forms and instructions . . . CR 101.59; CR 425.33; CV 101.59

Identity fraud actions, verdict form . . . CR 513.49

Impossible; instructions during deliberations . . . CV 319.07

Mistrial for failure to reach; instructions during deliberations . . . CV 319.07

Paternity actions . . . CV 705.13

Quotient verdicts for damages

Generally . . . CV 315.41

Sample final instructions . . . CV 207.27

Sample final instructions

Generally . . . CR 207.27

Quotient verdicts for damages . . . CV 207.27

Unanimous verdict . . . CR 207.39

**VERDICTS—Cont.**

Special verdicts, abolition of . . . CR 101.37; CV 101.37

Unanimous verdict, sample final instruction for . . . CR 207.39

Will contests . . . CV 323.03; CV 633.13

**VESSELS**

Alcohol-related offenses (See **ALCOHOL OFFENSES**, subhead: **Watercraft and waterways violations**)

Insurance on steamboat . . . CV 709.21

**VICTIMS**

Child victims under age ten, permanent disabling harm to . . . CR 541.1426

Intimidation of . . . CR 521.04

Pregnant victim . . . CR 541.1423

**VIDEOTAPES**

Evidence, as . . . CR 409.31

**VIOLENT CAREER CRIMINAL**

Generally . . . CR 541.1424

Firearm by, use of . . . CR 523.132

**VOIR DIRE**

Generally . . . CR 101.21; CV 101.21

Counsel, examination by . . . CR 401.05

Grand jury . . . CR 301.01

**Instructions**

Common . . . CR 101.23; CV 101.23

Sample . . . CR 203.03

Instructions, sample . . . CV 203.03

Oath, instructions before administration of . . . CV 301.01

Welcoming remarks . . . CR 203.01; CV 203.01

**VOLUNTARY MANSLAUGHTER**

Generally . . . CR 503.03

**VOYEURISM**

Generally . . . CR 507.08

**W****WARRANTIES**

Sale of goods, contracts for (See **SALE OF GOODS, CONTRACTS FOR (U.C.C.)**)

**WATERCRAFT AND WATERWAYS VIOLATIONS**

Alcohol-related (See **ALCOHOL OFFENSES**, subhead: **Watercraft and waterways violations**)

**Drug-related**

Operating vessel under influence of alcohol or drugs . . . CR 547.11(A)(1)

Prohibited alcohol or drug concentration, operating vessel with . . . CR 547.11(A)(2)-(6)

**WEAPONS, DANGEROUS (See also **ORDNANCE, DANGEROUS**)****Biological weapons**

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

**Chemical weapons**

Possession . . . CR 509.26



[References are to civil (CV) and criminal (CR) instruction numbers.]

# **WEAPONS, DANGEROUS (See also ORDNANCE, DANGEROUS)—Cont.**

## **Chemical weapons—Cont.**

Use, knowing or reckless . . . CR 509.27

Concealed weapons, carrying of . . . CR 523.12

Courthouse, in . . . CR 523.123; CR 523.123(A); CR 523.123(B)

## **Deadly weapons**

Definition . . . CR 521.33

Physical harm specification, and . . . CR 425.21

Purpose in use of . . . CR 417.01

Robbery with . . . CR 511.02

## **Detention facility, possession by person in**

Generally . . . CR 523.131

Conveyance into facility . . . CR 521.35(A); CR 521.36

## **Explosive devices**

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

## **Firearms (See FIREARMS)**

Habitation, discharging at or into . . . CR 523.161

Intoxication, use under . . . CR 523.15

## **Person under disability, possession by**

After 3/23/15 . . . CR 523.13(A)

After 9/30/11 but before 3/23/15 . . . CR 523.13(A)

After 8/4/04 but before 9/30/11 . . . CR 523.13(A)

After 7/1/1996 but before 4/8/2004 . . . CR 523.13(B)

Before 7/1/1996 . . . CR 523.13

Physical harm specification, deadly weapons and . . . CR 425.21

Prohibited premises, discharging on or near . . . CR 523.162

Purpose in use of deadly weapons . . . CR 417.01

## **Radiological or nuclear weapons**

Possession . . . CR 509.26

Use, knowing or reckless . . . CR 509.27

Robbery with deadly weapon . . . CR 511.02

## **School premises, firearms, weapons or ordnance on or near**

Discharging of firearm at or into school . . . CR 523.161

Illegal conveyance or possession . . . CR 523.122

Safety zone specification, school . . . CR 541.143

## **Specifications**

Physical harm, deadly weapons and . . . CR 425.21

School safety zone . . . CR 541.143

Transactions, unlawful . . . CR 523.20

# **WILDLIFE VIOLATIONS**

Division of Wildlife orders, violation of . . . CR 551.11

Exotic animals, crimes related to . . . CR 551.13

Harassment of hunters . . . CR 551.07

Hunting without permission . . . CR 551.05

Injury of persons or property by hunters . . . CR 551.03

Jacklighting . . . CR 551.01

# **WILDLIFE VIOLATIONS—Cont.**

Wildlife officers, failure to obey orders of . . . CR 551.09

# **WILL CONTESTS**

Generally . . . CV 633.01

Additional considerations . . . CV 633.09

Burden of proof . . . CV 633.01

Capacity to make will . . . CV 633.03

Definitions . . . CV 633.01

Fraud . . . CV 633.07

Mental capacity . . . CV 633.03

Probate defined . . . CV 633.01

Revocation of will, determination of . . . CV 633.11

Sound mind and memory, determination of . . . CV 633.03

Undue influence . . . CV 633.05

Verdict . . . CV 323.03; CV 633.13

# **WILLFUL OR WANTON MISCONDUCT**

Negligence . . . CV 401.41

Traffic offenses . . . CV 411.13

# **WITNESSES**

Acts of witnesses as evidence . . . CR 409.33

## **Competence**

Paternity claim, parties in . . . CV 705.11

Questioned; instructions during trial . . . CV 309.21

Defined . . . CR 521.04; CR 521.24

Expert witnesses (See EXPERT WITNESSES)

Eyewitness testimony, credibility of . . . CR 409.05; CV 305.05

## **Interpreters and translators**

Civil trials, use in . . . CV 301.13

Criminal trials, use in . . . CR 401.29

Intimidation of . . . CR 521.04

Testimony, refusal or inability to give

Generally . . . CV 309.19

Defendant's . . . CR 207.15; CR 409.07

# **WORKERS' COMPENSATION CLAIMS**

Generally . . . CV 427.01

## **Fraud**

Generally . . . CR 513.48

Value . . . CR 425.23

# **WRITTEN INSTRUCTIONS**

Generally . . . CR 101.61; CV 101.61

# **WRONGFUL CONVEYANCE**

Generally . . . CV 447.01

# **WRONGFUL DEATH**

Compensatory damages . . . CV 315.49

Employer intentional tort . . . CV 537.09

Intervening causes . . . CR 417.25

# **WRONGFUL POSSESSION**

Generally . . . CV 447.01

Conversion (See CONVERSION)







